

Please note: These transcripts are not individually reviewed and approved for accuracy.

1 SACRAMENTO, CALIFORNIA, NOVEMBER 15, 1999 - 1:30 P.M.

2 * * *

3 CHAIRMAN EATON: Good afternoon, everyone,
4 and welcome to the November Board meeting of the
5 California Integrated Waste Management Board. As you can
6 see by the agenda, it's a roughly two-and-a-half-day Board
7 meeting.

8 Wednesday will be strictly devoted to the
9 Disposal Reporting System, and today, as well as tomorrow,
10 will be devoted to Board business as it relates to action
11 items. Wednesday will be a special session of the Board
12 as an agenda item for the Disposal Reporting System.

13 Madam Secretary, will you please call the
14 roll and establish a quorum.

15 BOARD SECRETARY: Board Members Jones.

16 BOARD MEMBER JONES: Here.

17 BOARD SECRETARY: Moulton-Patterson.

18 BOARD MEMBER MOULTON-PATTERSON: Here.

19 BOARD SECRETARY: Pennington.

20 BOARD MEMBER PENNINGTON: Here.

21 BOARD SECRETARY: Roberti.

22 Chairman Eaton.

23 CHAIRMAN EATON: Here.

24 Quorum is established.

25 Okay, Members. We'll start with

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Mr. Pennington. Any ex partes, or if you would like,
2 Mr. Pennington, I would be happy to report the few that I
3 have to orally include and you can just piggy back, if
4 that's okay with you.

5 BOARD MEMBER PENNINGTON: Fine. Thank you,
6 Mr. Chairman.

7 CHAIRMAN EATON: All right.

8 These are all letters -- Andrew Caldwell
9 from COLAB regarding Tajiguas Landfill; Linda Caruso, an
10 individual, regarding Lionudakis; Scott O'Thompson
11 regarding Tajiguas Landfill; Rosalie Skefich, Custom
12 Environmental Services, Tajiguas Landfill; Ken Shamordola,
13 Tajiguas Landfill; Kelley Shewmaker on Lionudakis; Presley
14 Carbajal on Lionudakis; Raed Samara, Lionudakis; Larry
15 Dobbs on Lionudakis; Shelagh Caldwell, Lionudakis; and
16 Rick Best regarding RPPC.

17 Mr. Pennington, any additions?

18 BOARD MEMBER PENNINGTON: No, Mr. Chairman.
19 I did receive the E-mail from Ken.

20 CHAIRMAN EATON: Ken Shamordola.

21 BOARD MEMBER PENNINGTON: You did very
22 well. Thank you. And all the others I'm up to date on.

23 CHAIRMAN EATON: Mr. Jones.

24 BOARD MEMBER JONES: Larry Dobbs,
25 Lionudakis; Shelagh Caldwell, Lionudakis; Ken Shamordola,

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Tajiguas; Gary Catrenga, Total Tire Recycling. I said
2 "hi" to Becky Cyren, an old friend from Auburn and saw
3 Mike Cooper and John Cupps. That's it. Everything else
4 is up to date.

5 CHAIRMAN EATON: Ms. Moulton-Patterson.

6 BOARD MEMBER MOULTON-PATTERSON: Thank you,
7 Mr. Chair. I met with Michael Stover, City of Lakewood,
8 when I toured the SERRF facility, and also I believe it
9 was Charlie Tripp of the City of Long Beach who gave me
10 the tour of that facility. Also had a meet-and-greet with
11 Ron Shankman, Redding Boe Disposal; Kelley Aster, who is a
12 lobbyist for -- I forget the name of their group for
13 Southern California Operators; Phil Anthony; also a
14 representative from EDCO, and I'm getting that name now
15 from -- my assistant is getting that; and Mr. Ron
16 Rowenberg from CR&R.

17 CHAIRMAN EATON: Thank you. And I had just
18 one additional Mike Cooper, meet-and-greet at the
19 beginning of today's meeting, a quick hello.

20 Before we conduct any further business for
21 the day, I didn't want you to think that the Board was
22 remiss, but recently we've suffered a loss here at the
23 Board of a very valued member of our staff. We were in
24 San Luis Obispo and didn't think it would be appropriate
25 since there were none of his friends or coworkers here to

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 acknowledge him, but that would have been the loss of Ron
2 Weber who many of you even worked with or worked alongside
3 and who recently lost his battle with cancer. And I
4 wanted to express on behalf of the Board and the Members
5 not only our appreciation for his years of work here, but
6 our condolences to his family. So for all of us, we're
7 going to miss him. I thought it would be appropriate to
8 acknowledge him in front of his friends in a place where
9 those who were not lucky enough to work with him or get to
10 to know him.

11 Before we begin, for those of you who may
12 be here and realize that we're starting a meeting in the
13 afternoon, we remind that you there are speaker request
14 forms on the back table. If you wish to address us on any
15 matter that will come forward on today's agenda, please
16 fill out a slip with the specific item number or numbers
17 that you would like to have addressed, and we'll make sure
18 we get it to Ms. Dominguez on my left and on your right,
19 and she will make sure you speak.

20 Members, any reports? Mr. Pennington.

21 BOARD MEMBER PENNINGTON: No, Mr. Chairman,
22 I don't believe at this time. Thank you.

23 CHAIRMAN EATON: Mr. Jones.

24 BOARD MEMBER JONES: Just two quick ones.

25 First off, just so everybody remembers,

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 today is America Recycles Day. Today is -- while the
2 event was celebrated on the 9th on the Wastewise downlink
3 conferencing, people need to know if they're not buying
4 recycled, you're not recycling. You've got to get your
5 cities and counties to do what they can.

6 Also just a quick report, I was one of the
7 speakers at the Southern California Waste Management forum
8 in the City of Industry on the new millenium challenges,
9 and one of our former colleagues and now Senator, Wesley
10 Chesebro, was a keynote speaker talking about this
11 organization and his legislation on the plastics issues.
12 Pretty good event.

13 And then since the Chairman doesn't want to
14 accept this, I'll just let people know that -- he wants me
15 to accept it. This was presented to us from the
16 Sacramento Chapter of Juvenile Diabetes. The efforts of
17 this Board, we raised \$3,571 to help fight this. This is
18 our third year. Participation has been incredible. This
19 obviously belongs to all the employees of the Waste Board
20 because this wouldn't happen if it wasn't for their
21 efforts. So we'll accept it on behalf of all those who
22 participated.

23 (Applause)

24 CHAIRMAN EATON: Ms. Moulton-Patterson.

25 BOARD MEMBER MOULTON-PATTERSON: Thank you,

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Mr. Chairman. As I said, I toured SERRF which was very
2 interesting to see the process by which they produced
3 energy, and the City of Lakewood took me there and it was
4 most interesting and worthwhile.

5 CHAIRMAN EATON: I just have two items.

6 One is I just returned from Florida where I
7 was up to my eyes in alligators literally and
8 figuratively, and while I was getting bit by all these
9 gnats, I think the best business down there is in
10 screening. I don't think they have a recycling problem
11 down there, that's for sure. But it was very, very
12 interesting and I would like to thank the American
13 Plastics Council for their invitation. It was quite a
14 lively dialogue and it should be known that ourselves,
15 along with the state of Wisconsin and other states, are
16 trying to work on a very, very difficult problem. It was
17 most informative in terms of what some of the other states
18 are trying to do and work with their local conditions, and
19 the same with us.

20 As is always the case, we always tend to be
21 a little bit late on certain things, but today we would
22 like to -- I would like to have Mr. Pennington join me out
23 in front here where, for those of you who may or may not
24 have attended Board meetings over the last several years,
25 Patti Bertram was our Board Administrative Assistant and

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 she labored long and hard and you never saw a glitch in
2 anything. It's really due to Patti's hard work. So
3 during her tenure at the Board where she worked for a
4 former Board Member, Sam Egigian, and then she tried to
5 take on the challenge that a Board Member wasn't
6 challenging enough, to take on the challenge of having to
7 serve all Board Members in that role and did a very, very
8 admirable job.

9 So here we are, five years almost to the
10 month, I believe, to come and say thank you for her hard
11 work and to acknowledge her special efforts here at the
12 Board, and before she went on to do the new Special Waste
13 Division at the Board, and consistency at that department.
14 For that reason, I would like to ask my fellow Board
15 Members to indulge. As we have said in the past, we're
16 going to acknowledge with a vote on this resolution.

17 So if you could take up Item Number 40 in
18 the agenda which is acknowledging Patti for her role, and
19 if Mr. Pennington will join me down front since during
20 that time he served in that capacity many, many things,
21 and we'll read the resolution and then we'll be able to
22 vote on it.

23 Mr. Pennington, would you join me down
24 front?

25 BOARD MEMBER PENNINGTON: Sure.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 CHAIRMAN EATON: Patti, I'll read and Dan
2 will do it in sign language is what I understand.

3 (Laughter)

4 CHAIRMAN EATON: That's what we do at
5 Democratic conventions, Dan.

6 (Laughter)

7 CHAIRMAN EATON: The resolution states,
8 "Whereas, the California Integrated Waste Management Board
9 is responsible for working with local governments in the
10 solid waste industry to help Californians meet its waste
11 diversion mandates and establish markets for recyclable
12 materials; and, whereas, to accomplish this mission, the
13 Board holds monthly meetings ranging from committee
14 meetings to full Board hearings; and, whereas, Patricia
15 Bertram has served the Board as the Board's Administrative
16 Assistant for the past five years with responsibility to
17 notice all committee and Board hearings and overseeing all
18 the organization and organizational plans for its
19 meetings, including arrangements of meetings throughout
20 our great state of California; and, whereas, during these
21 five years of service, Ms. Bertram has been responsible
22 for noticing 264 committee meetings and nearly 65 monthly
23 Board meetings where," trash, trash, trash, trash, trash,
24 trash -- that's not in the resolution. I just thought I
25 would say it was talked about constantly, and it's trash

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 talking and not on a basketball court. "And, whereas, she
2 has prepared most of the agenda items during this time for
3 all of our nearly 2,000 stakeholders; therefore, be it
4 resolved, that the California Integrated Waste Management
5 Board, in appreciation for her time of service and
6 commitment to the Board, does hereby commend Patricia
7 Bertram for her exemplary contributions to the Board and
8 wishes her well in the future."

9 There's a lot more here in the resolution,
10 but I think to sort of ad-lib and say that -- and I'll let
11 Dan say a few words as well -- but in my short tenure here
12 and when I first came, she was one of the first persons
13 that I was introduced to, and any time you had a problem,
14 you could track her down. Any time she had a problem, she
15 always made it be known to you ahead of time and not after
16 the fact. She worked on her own, and when she had a
17 question, she came to you.

18 Her judgment was impeccable, and we're
19 going to miss you in that capacity, but we know in the
20 Special Waste Division we're going to need that help, and
21 we just thought it would be nice to say thank you to you
22 for all your help.

23 Thank you.

24 (Applause)

25 BOARD MEMBER PENNINGTON: I can't add much

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 to what the Chairman has said other than when I came in, I
2 had no idea how complicated getting ready for these Board
3 meetings can be and is, and what a joy it was to have
4 Patti there to help us get organized and stay organized.

5 It was a real pleasure working with you,
6 and we wish you all the best luck in your new assignment.

7 (Applause)

8 BOARD MEMBER PENNINGTON: I'm going to
9 move adoption of Resolution 1999-617.

10 BOARD MEMBER JONES: I'll second.

11 CHAIRMAN EATON: Mr. Pennington moves and
12 Mr. Jones seconds that we adopt the resolution as it
13 relates to commending Patti Bertram.

14 Madam Secretary, please call the roll.

15 BOARD SECRETARY: Board Members Jones.

16 BOARD MEMBER JONES: Aye.

17 BOARD SECRETARY: Moulton-Patterson.

18 BOARD MEMBER MOULTON-PATTERSON: Aye.

19 BOARD SECRETARY: Pennington.

20 BOARD MEMBER PENNINGTON: Aye.

21 BOARD SECRETARY: Chairman Eaton.

22 CHAIRMAN EATON: Aye.

23 Thank you.

24 Now comes the part of the meeting for those
25 of you who have never been here where I always forget to

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 acknowledge Mr. Chandler and his report.

2 (Laughter)

3 CHAIRMAN EATON: I just thought I would
4 point that out one more time, and I will acknowledge
5 Mr. Chandler. And he's going to report on how the harvest
6 went this year and when the walnuts will be available for
7 purchase for those -- and whether or not the increase has
8 gone up as we're reading on the mercantile charts.

9 Mr. Chandler.

10 (Laughter)

11 MR. CHANDLER: He's in rare form today. We
12 should send him to Florida more often.

13 BOARD MEMBER PENNINGTON: I wonder what he
14 got bit by.

15 (Laughter)

16 MR. CHANDLER: Thank you, Mr. Chairman, I
17 think, and good afternoon.

18 I do have just one item that I would like
19 to speak to in general and that has to do with our
20 biennial reviews. As you know, the Board will be
21 considering biennial reviews for the cities of Lakewood
22 and Auburn, as well as Placer County and the Inyo Waste
23 Management Agency during the meetings today and tomorrow;
24 and once completed, this Board will have completed the
25 reviews of 459 of the 464 reporting jurisdictions around

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 the state except for three jurisdictions that are
2 scheduled to be reviewed later. Next month's agenda will
3 complete the reviews for the 1995 and 1996 annual reports.

4 To date, the Board has approved 331
5 jurisdictions for fully meeting the AB 939 requirements
6 and approved an additional 61 on the basis of good faith
7 efforts. The Board has also put 63 jurisdictions to date
8 on compliance orders, which as you know are intended to
9 help these communities comply with their waste diversion
10 requirements. This review effort has been lengthy but
11 rewarding.

12 The Board staff is directly working with
13 more than 50 cities and counties throughout the state in
14 identifying and implementing programs to move them towards
15 the 50-percent mandate, and many jurisdictions are
16 conducting new base year studies to get an accurate
17 measure of where they are, and more importantly, where
18 they need to focus their efforts as they work towards the
19 50-percent goal. The review effort has shown that about
20 70 jurisdictions have already reached or exceeded the 50
21 percent by 1996, which bodes well for the year 2000; and
22 as new and improved programs stemming from the Board's
23 assistance and compliance orders continue to be brought on
24 line, staff expects significant diversion increases around
25 the state.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 On Wednesday, the day-long disposal
2 reporting workshop will allow for a comprehensive and
3 constructive discussion on the Disposal Reporting System.
4 The workshop is designed to identify problems related to
5 the system and its implementation, but more importantly to
6 share solutions.

7 Then at the December 14th and 15th Board
8 meeting, staff will present for your information a
9 strategy and schedule for implementing SB 1066. As you
10 recall, SB 1066, which was enacted in 1997, authorizes the
11 Board to grant one or more single- or multiple-year time
12 extensions from the diversion requirements and alternative
13 diversion requirements under specified circumstances.

14 Staff will be suggesting, among other
15 things, an intensive effort to seek input from
16 jurisdictions throughout the state by conducting workshops
17 in the months of January and February. These workshops
18 will allow staff and the jurisdictions to arrive at mutual
19 understandings of the type necessary to support the SB
20 1066 request.

21 Although as Chairman Eaton has said, the
22 low hanging fruit has been plucked in terms of recycling
23 and waste diversion and we know the toughest part of the
24 job still lies ahead, we continue to believe that the
25 majority of California cities and counties will reach or

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 come very close to cutting their trash in half by the end
2 of next year. When you consider where we started from a
3 decade ago, that's a significant accomplishment indeed.

4 That concludes my remarks. Thank you.

5 CHAIRMAN EATON: Thank you, Mr. Chandler.

6 Any questions, comments? All right.

7 Just a couple of housekeeping matters
8 because there have been a number of changes to the agenda
9 given last Thursday's holiday and some recent requests and
10 adjustments.

11 Item E, which was the Lionudakis Wood and
12 Green Waste Recycling Compost Facility permit, has been
13 pulled at the request of the operator and the LEA due to
14 some continuing negotiations and concerns raised by the
15 various parties. That item, as I understand it, was
16 continued until December at which time we will take up the
17 Lionudakis item.

18 In addition, today, one of the reasons for
19 the Monday afternoon session was that we were going to
20 hear Item Number 38, which was the AB 59 appeal of
21 Safety-Kleen, again for reasons between the parties, that
22 item was asked to be removed from today's agenda and will
23 be set in the near future. It will not be continued to
24 next month, it will be set at a separate meeting.

25 So if any of you are here for those items,

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 I apologize, but the parties felt they needed more time.

2 In addition, as a courtesy to Senator
3 Roberti, who is unable to be here today, the item
4 concerning the City of Lakewood, which is a continued item
5 and should be heard first up today, will be heard first
6 thing tomorrow morning, as well as Item 14 which involves
7 a Downey facility. Senator Roberti would like to be
8 present at both of those, so therefore, they will not be
9 heard in the regular course of business which would have
10 been today.

11 In addition, Items Number 29 and 30, which
12 was Clean-Up and Abatement Order and Major Tire Facility
13 Permits for MELP, has been consolidated into a different
14 item, so those items will be incorporated into item -- and
15 I'm just trying to read.

16 MR. CHANDLER: 31.

17 CHAIRMAN EATON: 31. So in other words,
18 there will be no Item 29 or 30 on today's, tomorrow's or
19 Wednesday's agenda.

20 Members, we will also have two closed
21 sessions is my understanding, one tomorrow shortly before
22 lunch and one perhaps on Wednesday dealing with some
23 litigation and personnel matters. So if you could just
24 set that time aside, I think we'll break them up into two
25 sessions. That way we'll be able to take a lunch break

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 and get back to the regular long agenda as well.

2 Before I read the consent calendar,

3 Members, are there any items that you would like to have

4 pulled from consent calendar? Let me read which items I

5 have for the consent calendar. Items Number 6, 7, 8, 9,

6 10, 11, 28, 34 and 36.

7 BOARD MEMBER PENNINGTON: Mr. Chairman,

8 I'll move adoption of the consent calendar.

9 CHAIRMAN EATON: All right.

10 BOARD MEMBER JONES: I'll second.

11 CHAIRMAN EATON: Mr. Pennington moves and

12 Mr. Jones seconds that we adopt the consent calendar

13 consisting of Items 6, 7, 8, 9, 10, 11, 28, 34 and 36.

14 Madam Secretary, would you please call the

15 roll.

16 BOARD SECRETARY: Board Members Jones.

17 BOARD MEMBER JONES: Aye.

18 BOARD SECRETARY: Moulton-Patterson.

19 BOARD MEMBER MOULTON-PATTERSON: Aye.

20 BOARD SECRETARY: Pennington.

21 BOARD MEMBER PENNINGTON: Aye.

22 BOARD SECRETARY: Chairman Eaton.

23 CHAIRMAN EATON: Aye.

24 Okay. Consent calendar is adopted. All

25 right.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 I will also, because of the moving around
2 of several items and the time allotments that we were
3 having to set aside for the Safety-Kleen appeal, which
4 were substantial but now are not needed, we will be moving
5 around, contrary to what we normally do here at the Board,
6 for different items. And so it will not be in numerical
7 sequence, 1, 2, 3, 4, 5, 6, 7, 8 or 9, but rather we'll
8 jump around and take up the Waste Prevention and Market
9 Development items under new business after we do continued
10 items, and I'll read through those as we get to that
11 segment just so that we can have those items heard.

12 If there are any members of the audience --
13 and I understand there may be a few -- that for any reason
14 have traveled to the Board meeting to hear either the
15 previous items, whether they be the Downey item, Lakewood
16 item or any of the other items that may be moved to
17 Tuesday's agenda, we will be happy to take your testimony.
18 You can just let us know that you will not able to return
19 when those items will be heard in the regular course of
20 business in the next couple days and we'll be sure that
21 you get on today's agenda to have your testimony on the
22 record for the benefit not only of us Members, but for the
23 public as well.

24 So with that, continued -- first order of
25 business, continued business agenda items, consideration

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 of a new Solid Waste Facility Permit for the Santa Maria
2 Transfer Station.

3 Ms. Nauman.

4 MS. NAUMAN: Good afternoon, Mr. Chairman
5 and Members. Julie Nauman, Deputy Director Permitting and
6 Enforcement Division. In the interest of time, I will
7 just turn it over to staff for the presentation.

8 MS. KIGER: Good afternoon, Chairman Eaton
9 and Board Members. I'm Jenifer Kiger with the Permitting
10 and Inspection Branch.

11 Item A regards consideration of the new
12 Solid Waste Facility Permit for the Santa Maria Transfer
13 Station in San Luis Obispo County. The proposed facility
14 will be owned by the Troesh family trust and operated by
15 Santa Maria Transfer, Incorporated.

16 The proposed permit is for the operation of
17 a new large volume transfer processing facility to be
18 located on 3.28 acres. The proposed facility will be
19 built in two phases.

20 Phase one will consist of a 7,800 square
21 foot building. The building will house office space, a
22 drop-off recycling center, a maintenance shop, and storage
23 and the operation for the unloading, storage, and transfer
24 of mixed solid waste. Phase two will include a 6,300
25 square foot addition to the transfer building following

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 the closure of Santa Maria Landfill.

2 Material recovery will be limited to large
3 salvageable material such as concrete and asphalt, white
4 goods, wood, and cardboard that would be sorted manually.
5 The facility will serve the cities of Santa Maria and
6 Guadalupe, and the unincorporated areas of northern Santa
7 Barbara County and southern San Luis Obispo County.

8 The proposed permit will include both Phase
9 1 and Phase 2 of the transfer station, and it is
10 anticipated that Phase 1 operations will handle an average
11 daily throughput of 29 tons per day, increasing to 84 tons
12 per day within five years. After Phase 2 is constructed,
13 the facility will be able to handle a maximum daily
14 throughput of 500 tons per day.

15 Staff reviewed the proposed permit and
16 supporting documentation and have found that it meets all
17 the requirements on page 3 of this item and acceptable for
18 consideration by the Board.

19 First, the Santa Maria transfer station is
20 identified and described in the unincorporated county
21 nondisposal facility element of the San Luis Obispo County
22 CIWMP. Therefore, the facility is in conformance with PRC
23 50001. Second, the proposed transfer station has not yet
24 been constructed. Therefore, inspection of the facility's
25 operation for consistency of state minimum standards is

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 not applicable at this time. Compliance with California
2 Environmental Quality Act, CEQA, has been completed.

3 In conclusion, staff recommend that the
4 Board adopt Resolution Number 1999-574, concurring in the
5 issuance of Solid Waste Facility Permit Number 40-AA-0022.

6 Mr. Michael McGee representing the Local
7 Enforcement Agency and Mr. Michael Hoover representing the
8 operator are present to answer any questions you may have.

9 This concludes staff's presentation.

10 CHAIRMAN EATON: Any questions of staff or
11 the operator or the LEA?

12 BOARD MEMBER JONES: Mr. Chairman.

13 CHAIRMAN EATON: Mr. Jones.

14 BOARD MEMBER JONES: I would like to move
15 adoption of Resolution 1999-574 for the consideration of a
16 Solid Waste Facility Permit of the Santa Maria Transfer
17 Station, San Luis Obispo County.

18 BOARD MEMBER PENNINGTON: Second.

19 BOARD MEMBER MOULTON-PATTERSON: Second.

20 CHAIRMAN EATON: Mr. Jones moves and
21 Ms. Moulton-Patterson seconds that we adopt Resolution
22 1999-574.

23 Madam Secretary, please call the roll.

24 BOARD SECRETARY: Board Members Jones.

25 BOARD MEMBER JONES: Aye.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD SECRETARY: Moulton-Patterson.

2 BOARD MEMBER MOULTON-PATTERSON: Aye.

3 BOARD SECRETARY: Pennington.

4 BOARD MEMBER PENNINGTON: Aye.

5 BOARD SECRETARY: Chairman Eaton.

6 CHAIRMAN EATON: Aye.

7 Okay. Item Number C, consideration of
8 staff recommendation on the biennial review findings for
9 the Source Reduction and Recycling Element for Inyo
10 Regional Waste Management Agency.

11 MR. SCHIAVO: Good afternoon. Pat Schiavo
12 of the Diversion, Planning and Local Assistance Division,
13 and I'll turn this presentation over to Keir Furey.

14 MR. FUREY: Good afternoon, Chairman
15 Eaton, Board Members. I'm Kier Furey with the Office of
16 Local Assistance, Central Section.

17 Item C has been carried over from the
18 October 20th Board meeting. It is the consideration of a
19 biennial review and the consideration of a compliance
20 order relative to the biennial review for the Inyo
21 Regional Waste Management Agency.

22 At the October 20th Board meeting, the
23 Board directed staff to work with Inyo Regional Waste
24 Management Agency to complete their diversion
25 recalculations for 1995 and 1996. Staff worked with the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 consultant representing the Inyo Regional Waste Management
2 Agency, and together we have constructed a mutually
3 agreeable solution. Revised Board of Equalization data
4 has been used to correct their 1995 and 1996 reporting
5 year disposal tonnages. These corrected reporting year
6 tonnages will give the Inyo Regional Waste Management
7 Agency a diversion of 30 percent for 1995 and 27 percent
8 for 1996.

9 Staff recommends approval of the biennial
10 review. A representative for the Regional Agency is in
11 attendance today and available for questions.

12 That concludes my presentation.

13 CHAIRMAN EATON: Any questions of staff?

14 BOARD MEMBER PENNINGTON: Mr. Chairman.

15 CHAIRMAN EATON: Mr. Pennington.

16 BOARD MEMBER PENNINGTON: I'll move the
17 adoption of Resolution 1999-525.

18 BOARD MEMBER JONES: Second.

19 CHAIRMAN EATON: Mr. Pennington moves and
20 Mr. Jones seconds that we adopt Resolution 1999-515 as
21 revised, if I'm not mistaken. It's in my binder.

22 Madam Secretary, please call the roll.

23 BOARD SECRETARY: Board Members Jones.

24 BOARD MEMBER JONES: Aye.

25 BOARD SECRETARY: Moulton-Patterson.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER MOULTON-PATTERSON: Aye.

2 BOARD SECRETARY: Pennington.

3 BOARD MEMBER PENNINGTON: Aye.

4 BOARD SECRETARY: Chairman Eaton.

5 CHAIRMAN EATON: Aye.

6 All right. Moving into new business
7 agenda items, we'll take up the Waste Prevention and
8 Market Development section. Members, I'm going to read
9 off the numbers that because of the switching around of
10 numerous items and deletion of numerous items due to
11 parties' stipulations, et cetera, we're going to in Waste
12 Prevention and Market Development hear Items 18, 19, 24,
13 25, 26, 27, I believe in that order. And so that would be
14 six items, one being on consent, the other one having been
15 dispensed with.

16 Ms. Trgovcich, welcome.

17 MS. TRGOVCICH: Good afternoon, Chairman
18 Eaton and Members. I'm Caren Trgovcich, Deputy Director
19 of the Waste Prevention and Market Development Division.

20 The first item is consideration of approval
21 of the Recycling Market Development Revolving Loan Program
22 application for VP Incorporated, dba Valley Pallet. This
23 item will be presented by Jeff Ingalls.

24 By way of introduction, I would just like
25 to point out for the Board that if this loan is approved

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 today, that will bring the number of loans approved by the
2 Board to date to 83 totaling \$41.1 million out of the
3 sub-account.

4 Jeff.

5 MR. INGALLS: Thank you, Caren. Good
6 morning or afternoon, Chairman Eaton and Board Members.

7 My name is Jeff Ingalls. I'm a loan
8 officer with the Recycling Market Development Zone
9 program. Happy to present Item Number 567, consideration
10 and approval of the Recycling Market Development Revolving
11 Loan Program application for VP Incorporated, doing
12 business as Valley Pallet. VP Incorporated has requested
13 a \$375,000 loan to finance commercial real estate,
14 machinery and equipment and to remanufacture wood pallets.

15 This project is eligible as a reuse project
16 in manufacturing wooden pallets from other dismantled
17 broken pallets, and the feedstock is post-consumer waste
18 which comes from companies that would use wood pallets to
19 ship their products to the end users.

20 The loan committee met on November 4th,
21 1999 and approved the loan with one condition. The loan
22 committee requested either a Phase 1 Environmental Report
23 or a Vista Transaction Screen Report, if the results were
24 satisfactory to the Board. This report has been ordered
25 and we're waiting for that report.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Permitting and Enforcement have also
2 reviewed this project and determined that no permits are
3 required. The Diversion, Planning and Local Assistance
4 Division also reviewed this process and this project, and
5 there's no -- any wooden pallets are normally disposed of
6 in landfills in Kings County.

7 The original item in the agenda item states
8 that the projected tonnage increase was to be 25,000 tons
9 per year. The applicant had reevaluated that and
10 determined that it would be 15,000 increased production or
11 increased tons per year for this project.

12 If this item is approved today, this will
13 be the first RMDZ loan for the greater south San Joaquin
14 Valley zone.

15 In conclusion, staff recommends that the
16 Board approve the loan contained in Resolution 1999-567 to
17 VP Incorporated doing business as Valley Pallet in the
18 amount of \$375,000.

19 CHAIRMAN EATON: Any questions?

20 BOARD MEMBER PENNINGTON: Mr. Chairman.

21 CHAIRMAN EATON: Mr. Pennington.

22 BOARD MEMBER PENNINGTON: I'll move
23 adoption of Resolution 199-567 to approve the loan in the
24 amount of \$375,000 for VP Incorporated, dba Valley Pallet.

25 BOARD MEMBER MOULTON-PATTERSON: Second.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 CHAIRMAN EATON: All right. Mr. Pennington
2 moves and Ms. Moulton-Patterson seconds that we adopt
3 Resolution 1999-567, the loan program application for VP
4 Incorporated doing business as Valley Pallet.

5 Madam Secretary, please call the roll.

6 BOARD SECRETARY: Board Members Jones.

7 BOARD MEMBER JONES: Aye.

8 BOARD SECRETARY: Moulton-Patterson.

9 BOARD MEMBER MOULTON-PATTERSON: Aye.

10 BOARD SECRETARY: Pennington.

11 BOARD MEMBER PENNINGTON: Aye.

12 BOARD SECRETARY: Chairman Eaton.

13 CHAIRMAN EATON: Aye.

14 Okay. Item Number 19, consideration and
15 approval of the revised 1997 and preliminary 1998
16 post-consumer paper recovery rate calculation.

17 MS. TRGOVCICH: Good afternoon, Chairman
18 Eaton and Members. This item will be presented by the
19 Waste Prevention and Market Development Division. John
20 Blue will be presenting.

21 Just by way of introduction, this is a
22 voluntary rate that the Board established several years
23 ago as a way of tracking progress within the paper
24 industry.

25 John.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MR. BLUE: Good afternoon, Members of the
2 Board, Chairman Eaton. I'm John Blue with the Waste
3 Prevention and Market Development Division. Unfortunately
4 I had a nice slide presentation for you this morning, but
5 our laptop won't stay on. I'll be resorting to hand
6 waving and page flipping here.

7 The post-consumer paper recovery rate for
8 California is a comparison of California post-consumer
9 paper recovery for beneficial end use versus post-consumer
10 paper generation. And in 1993, the Board developed a
11 process to monitor progress in developing markets for
12 recovered paper and asked staff to report back annually on
13 how we're doing.

14 In brief, the rate for 1998, the
15 preliminary recovery rate was 30.1 percent for all
16 paper -- and pardon me while I buzz through the document
17 and try to find it. Staff revised the 1997 recovery rate
18 down to 30.62. This is -- as you can see, the rate is
19 pretty much the same as it was last year, predominantly
20 due to weak Asian markets. The Asian economic crisis
21 continued through 1998, and California, being extremely
22 dependent on the Asian export market for post-consumer
23 paper recovery, that affected strongly kind of dampening
24 overall California's recovery rate.

25 What we're looking for for 1999, in case

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 anyone is curious, should be much better. Right now we're
2 seeing a tremendous growth in paper prices. We're seeing
3 growth in export to Asia, and staff are expecting a
4 significant improvement for this figure for 1999.

5 Being brief here, staff recommendation
6 is -- staff recommends the Board approve staff's
7 calculation of the preliminary 1998 post-consumer paper
8 recovery rate and the revised 1997 recovery rate. If
9 there are any questions, I would be happy to answer them
10 at this time.

11 CHAIRMAN EATON: Any questions of Mr. Blue?
12 Those rates being for '97 revised was 45.9 and in '98,
13 46.9?

14 MR. BLUE: Yeah. Revised -- okay. You're
15 going to make me be specific here. For 1998, we found
16 31.1 for all paper, 45 -- sorry. Again, this was very
17 nice in my slide show. 46.92 for old newsprint and 50.9
18 percent or 51 percent for old corrugated containers.
19 That's for 1998. And '97, the revised recovery rates were
20 30.6 percent for all paper, 46 percent for old newsprint,
21 and 50.6 percent for old corrugated containers.

22 CHAIRMAN EATON: All right. Thank you,
23 Mr. Blue. So in essence it was just short by a small
24 amount of percentage points due to the market stuff and
25 you figure that will come back up?

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MR. BLUE: We're anticipating significant
2 growth in 1999.

3 CHAIRMAN EATON: All right. Members.

4 BOARD MEMBER JONES: Mr. Chairman.

5 CHAIRMAN EATON: Mr. Jones.

6 BOARD MEMBER JONES: I'll make the motion
7 to adopt Resolution 1999-564 for consideration and
8 approval of the revised '97 and preliminary '98 California
9 post-consumer paper recovery rate calculation.

10 CHAIRMAN EATON: And I'll second that
11 motion.

12 Mr. Jones moves and Mr. Eaton seconds that
13 we adopt Resolution 1999-564.

14 Members, without objection, substitute the
15 previous roll call. Hearing no objection, so shall be the
16 order.

17 Item Number 24, consideration of Rigid
18 Plastic Packaging Container compliance agreements for
19 compliance year 2000.

20 MS. TRGOVCICH: Good afternoon, Chairman
21 Eaton, again.

22 The next four items are all items dealing
23 with the Rigid Plastic Packaging Container Program. What
24 we will be doing in order for you is Item 24 will be
25 consideration and approval of compliance agreements which

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 we briefly overviewed at the last meeting in October where
2 several compliance agreements for other product
3 manufacturers were approved.

4 Item Number 25 will provide a brief
5 background discussion on how the 1996 certification
6 process went as a prelude to Item Number 26 where you will
7 consider what you would like to do with respect to the
8 calculation of the 1997 rate and that meeting of the rate
9 falling below 25 percent.

10 Item number 27 is listed as a
11 reconsideration item. We will be providing you with a
12 status at the end of these if the Board scheduled for
13 public hearing at that time.

14 Michelle Marlowe will be presenting Item
15 24.

16 MS. MARLOWE: Good afternoon, Chairman
17 Eaton and Members of the Board. I'm here today with
18 Agenda Item Number 24 in which I would like to recommend
19 approval of entering into a compliance agreement with
20 Masterchem Industries and Loctite Corporation. These
21 compliance agreements were our boiler plate -- very, very
22 similar to the ones that you approved last month for four
23 companies.

24 I would just like to make you aware that
25 Masterchem has only four products that they sell in

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 California. Two of them were in compliance in the year
2 1996, and they will be working on bringing the other two
3 product lines into compliance through the use of
4 post-consumer content in those containers by the end of
5 the year 2000.

6 With regards to Loctite, they make
7 adhesives and sealants and have, I think, six or eight
8 products that they sell in California. And I'd like to
9 recommend entering into a compliance agreement with that
10 corporation as well.

11 MS. TRGOVCICH: I'd like to point out for
12 your information that with respect to Masterchem, that
13 they, along with all the other product manufacturers that
14 came before you last month, have approved of the
15 compliance agreement that is before you today.

16 With respect to Loctite, they have
17 submitted some additional language which would eliminate
18 the provisions that you added at your last Board meeting
19 such as the penalty provisions going back for the
20 preceding calendar years, '96, '97, '98, et cetera. They
21 have proposed that language. We are bringing before you a
22 compliance agreement that does not include their changes.

23 Simultaneously, we are noticing them for
24 public hearing at the Board's December Board meeting so
25 that in the event that they do not proceed to negotiate

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 and agree to the compliance agreement as is laid out
2 today, they will have the option in December of coming to
3 you to revise the agreement potentially or to proceed to
4 public hearing.

5 CHAIRMAN EATON: What was their basis of
6 their objection? I assume they're not here, otherwise I
7 would have had speaker slips.

8 MS. TRGOVCICH: They have -- in our last --
9 Deborah Borzelleri, legal counsel, can speak to this, but
10 primarily they are asking for provisions to be removed
11 from the agreement which would speak to their liability as
12 a product manufacturer. They wanted to eliminate
13 reference that they had violated the law, and they wanted
14 to remove the wording that would allow the Board, in the
15 event of noncompliance with the agreement, to assess civil
16 penalties for the intervening years.

17 CHAIRMAN EATON: Thank you. All right.

18 BOARD MEMBER JONES: Mr. Chairman.

19 CHAIRMAN EATON: Mr. Jones.

20 BOARD MEMBER JONES: I'll move adoption of
21 Resolution 1999-582, consideration of approval of a Rigid
22 Plastic Packaging Container compliance agreement for the
23 year 2000 with Loctite Corporation.

24 CHAIRMAN EATON: I'll second that motion.

25 Mr. Jones moves and Mr. Eaton seconds that

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 we adopt Resolution 1999-582.

2 Without objection, we'll substitute the
3 previous roll call. Hearing no objection, so shall be
4 ordered. All right.

5 BOARD MEMBER JONES: Mr. Chairman.

6 CHAIRMAN EATON: Mr. Jones.

7 BOARD MEMBER JONES: I would like to move
8 adoption of Resolution 1999-583, consideration of approval
9 of a Rigid Plastic Packaging Container compliance
10 agreement for the year 2000 with Masterchem Industries,
11 Incorporated.

12 CHAIRMAN EATON: And I'll second.

13 BOARD MEMBER PENNINGTON: Second.

14 CHAIRMAN EATON: Mr. Jones moves and
15 Mr. Pennington seconds that we adopt Resolution 1999-583.

16 Without objection, substitute the previous
17 roll call. Hearing no objection, so shall be ordered.

18 Item Number 25, which is the discussion of
19 the 1996 Rigid Plastic Packaging Container certification
20 process.

21 Before we begin, Members, just to kind of
22 refresh your recollection, this is kind of an item that
23 was brought forward, kind of a mini review of some of the
24 strengths and weaknesses that we encountered and hurdles
25 we've had to overcome when we began to take the process.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 It's meant to give us a background and an overview and an
2 opportunity to hear from not only the staff who worked
3 very, very hard going down an uncharted road -- and the
4 road had many curves and ruts and in many cases, dead
5 ends, but I think they did a good job -- also the industry
6 themselves that had some concerns as to how the process
7 would work, some of the advocates also. So it gives us an
8 opportunity to get a good, fresh look at where we've been
9 before we begin to go where we're going.

10 And so with that, I'll turn it over to
11 Ms. Trgovcich. Thank you.

12 MS. TRGOVCICH: Thank you very much,
13 Chairman Eaton.

14 As a discussion item, what we wanted to do
15 today was simply bring before you in an informal fashion
16 an identification of those issues that were raised by
17 staff and by interested parties as it relates to how this
18 certification process proceeded.

19 What I have provided on the back table and
20 have handed out to each of you is a two-page summary,
21 front and back. The first three pages simply list the
22 major themes that we heard in our meetings with interested
23 parties and that we have chosen to raise to you. And what
24 the back page represents, if you flip it over, it simply
25 provides you with a background of the certification

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 program and how it proceeded, and that's just by way of
2 information for you.

3 As you're aware, and we've repeated this
4 many times as you've been hearing so many of these items
5 recently, at the Board's direction we proceeded to
6 initiate a certification program for calendar year 1996
7 where we randomly selected 500 product manufacturers to
8 receive certification forms. This item is not about the
9 results of that process, but more what were some of the
10 major issues that came up in that process as we went
11 through the random selection and subsequent certification
12 process.

13 I will draw your attention to Item Number
14 1, which is identification of potentially affected product
15 manufacturers. When we first initiated this discussion,
16 several years ago now, we were unclear as to the number of
17 product manufacturers that were potentially affected by
18 this law. We had heard figures by industry, by other
19 agencies, that it could be anywhere from several hundred
20 to tens of thousands of product manufacturers. Many of
21 these are located in California. However, many, many more
22 are located outside of the state because remember, it's
23 manufacturers who offer for sale or sell in California.
24 So we have products that are coming in from all over the
25 world here.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 The certification program that was
2 initiated focused on a random selection. Thus we went to
3 the Standard Industrial Classification codes, we went to
4 trade publications, we went to various web sites, we even
5 went shopping ourselves and looked at product manufacturer
6 labels in the supermarkets and other stores to determine
7 which manufacturers could potentially be placed on a list
8 from which a random certification would then follow.

9 This resulted in a mailing that went out,
10 and what we can say is that as a result of that
11 certification process, many, many of those companies were
12 not regulated under this law; and because statute does not
13 require product manufacturers, if they are not regulated,
14 to respond to our certification process, in order to close
15 the books on these unregulated product manufacturers, we
16 had to spend a great deal of time with follow-up letters,
17 both certified as well as regular mail letters, with phone
18 calls, telephone conferences, faxes, E-mails, and it was a
19 tremendous records management issue for us internally to
20 be able to close the loop on all 500. I think staff has
21 done an outstanding job over the past several months in
22 bringing forward to you those numbers and how this was
23 closed out.

24 So with respect to the identification of
25 product manufacturers, if the Board were to undertake a

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 subsequent certification process for future compliance
2 years, we would recommend that that certification process
3 target specific industry sectors that are likely to be
4 regulated. We've identified those SIC codes and we have
5 been able to prioritize them with respect to the knowledge
6 that we now have based upon the '96 process.

7 They are sectors such as hardware, hobbies
8 and crafts, and automotive, which would appear to be high
9 on the list for certification, and so we would recommend a
10 targeted effort at one to two to three of those
11 classifications or categories of industries with a
12 certification program that runs across all product
13 manufacturers listed in that category in the future.

14 CHAIRMAN EATON: So for 3M, what category
15 out of the three would you recommend that show up under?
16 Hobbies? Crafts?

17 MS. TRGOVCICH: It's likely 3M would have
18 shown up under several of the categories, that they would
19 have been listed under multiple Standard Industrial
20 Classification codes. I have a listing here and there are
21 many -- I have a listing of over 47, close to 50
22 categories, and they could have probably been listed in
23 anywhere from three to five of those categories.

24 CHAIRMAN EATON: Thank you.

25 MS. TRGOVCICH: Moving on to the next

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 issue, "development of notification letter and
2 certification form." We initiated a collaborative effort
3 since 1996 was the first year that the Board had ever
4 undertaken a certification process, and we met with
5 interested parties which included regulated product
6 manufacturers, it included trade associations,
7 environmental organizations, and we also contacted several
8 key legislative offices as well, and developed a
9 certification form for both product manufacturers as well
10 as container manufacturers. It was agreed at the time
11 that it would not be necessary to include the total number
12 of containers by product line in the certification forms.

13 There was a concern raised on the part of
14 product manufacturers, as well as their trade
15 associations, that by identifying a specific product line
16 by container type and then including the number of
17 containers associated with it, that this could potentially
18 result in a release of information that could be used for
19 competitive purposes.

20 This created an issue as we evaluated the
21 '96 certifications, especially as it related to those
22 product manufacturers that pursued the corporate average
23 methodology for calculation of the percentage of
24 post-consumer resin incorporated into their regular
25 containers. When a product manufacturer used the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 corporate averaging methodology and the number of
2 containers by product line are not included, it was next
3 to impossible for our staff to be able to evaluate and
4 therefore verify the corporate averaging claim.

5 So what the staff proposal here is -- and
6 once again this is not a consideration item, but for your
7 information for future items -- that if a future
8 certification process is undertaken, that the
9 certification form be specifically amended to include the
10 number of containers by product line.

11 BOARD MEMBER JONES: Mr. Chairman.

12 CHAIRMAN EATON: Mr. Jones.

13 BOARD MEMBER JONES: When we had -- when I
14 had my briefing, when we talked about this, didn't we say
15 that could be handled or was it an idea that it could be
16 handled? Because the industry is afraid of giving away
17 information that obviously is important to their
18 businesses, that if they were going to do corporate
19 averaging, then they would supply the information needed
20 to be able to verify the number as opposed to a, you know,
21 lock-down of numbers.

22 It would seem to me that if they could
23 verify their corporate averaging, that would take care of
24 your need without putting out proprietary information into
25 the public forum.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MS. TRGOVCICH: That would certainly be an
2 option to pursue. We included -- in this case, the staff
3 recommendation to include the number of containers on the
4 certification form because it would eliminate the step of
5 going back to that product manufacturer and asking them to
6 then verify the corporate averaging claim, but that is
7 certainly an option you may pursue.

8 BOARD MEMBER JONES: But if the form,
9 instead of calling for the numbers, said if you are going
10 to do corporate averaging and this is what it looks like,
11 you need to include the information to verify corporate
12 averaging, wouldn't that eliminate the step?

13 MS. TRGOVCICH: That certainly would
14 eliminate it if it goes on the form, that if you use that
15 approach, submit the data to verify it.

16 BOARD MEMBER JONES: Because you're going
17 to have people that are going to be -- because of the form
18 are going to be putting numbers in that I'm sure if their
19 bosses knew were going on a form, could make some people
20 real nervous, then maybe being able to put it out to
21 verify whatever their determination is would give them a
22 sense of comfort.

23 MS. TRGOVCICH: Moving on to the next
24 issue, Item Number 3. Item Number 3 is phrased "time
25 limit for response." What we encountered in the 1996

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 certification process was a significant extension of the
2 time frame for response beyond the initial 60-day deadline
3 specified in this certified mail that was delivered to
4 each product manufacturer. So for each of the 500
5 randomly selected product manufacturers, when they
6 received the initial mailing, they had 60 days from
7 receipt to return the information to us.

8 What we encountered for '96, because it was
9 our first year in proceeding with a cycle like this, was
10 that we continued to get requests for extensions or we had
11 no responses, and we continued to work with these
12 companies, sending out subsequent mailings, making up
13 follow-up phone calls, attempting to contact via E-mail or
14 any other method. And what we would propose for any
15 future certification cycle is that the time frame is
16 specified in the initial mailing requiring the product
17 manufacturers certification forms or container
18 manufacturers certification forms be a specific and final
19 deadline.

20 There is an option for a single extension
21 within the regulation, and that extension could be
22 accounted for, but that once that extension deadline was
23 up, we would no longer proceed to contact, to mail, to
24 follow-up via E-mail or any other method, and we would
25 report to the Board the status of all those product

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 manufacturers and they would be deemed, at that point in
2 time, out of compliance. So that would be the staff
3 proposal in the event that you choose to pursue a future
4 certification process.

5 For 1996, we have been working for almost a
6 year and a half right now to resolve the final of the 500
7 product manufacturers that received certification forms.
8 So we are requesting that there be a cut-off deadline.

9 The next issue is record keeping
10 requirements, and this gets to the proprietary issue that
11 Member Jones just raised and a very important issue to the
12 industry. As you are aware, during the last cycle, the
13 industry requested that because of the potential
14 competitive use of the information submitted as a result
15 of this certification process, that a third party
16 independent contractor be retained to receive, enter and
17 maintain the data; that they would have the expertise to
18 be able to identify potential proprietary issues and that
19 they would then be able to retain it in a confidential
20 format.

21 What we encountered during this
22 certification process were several things with respect to
23 the nature of the information. One was that even though
24 this was a very significant issue raised by industry, we
25 received many, many product certification forms and

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 container manufacturer certification forms here at the
2 Board's office as opposed to them being directed to
3 Price-Waterhouse. We were very clear on the certification
4 forms and cover letters that Price-Waterhouse was being
5 retained to maintain confidentiality of this information,
6 but many of these manufacturers chose to submit their
7 information to us directly.

8 The contractor, through no fault of their
9 own, had a lack of familiarity with the manufacturers, and
10 this resulted in many entities being inadvertently placed
11 into an incorrect corporate entity file or being placed
12 under a separate product manufacturer for which they had
13 no relationship with.

14 We also found that certification forms
15 could not be readily connected to a product manufacturer
16 for compliance purposes, and we believe that this was
17 simply a result of a lack of familiarity of a contractor
18 or any outside contractor with these entities, especially
19 as we were in an age of mergers and acquisitions, that
20 many times events will transpire where we can no longer
21 track one name from one file to another.

22 Finally, as we pursued an enforcement
23 process at the Board's direction, it was very difficult
24 for us to be able to evaluate a manufacturer's compliance
25 when the data was being managed and maintained off site.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 It resulted in a large number of trips being made by staff
2 to the office headquarters of the contractor in this
3 instance.

4 So what we are proposing in the event of a
5 future certification process is that both the entry and
6 maintenance of the data from product manufacturers and
7 container manufacturers be housed here at the Board and
8 performed by Board staff.

9 I would like to briefly address the
10 confidentiality issue. Both statute as well as
11 regulations contain a provision that specifies that
12 product manufacturers may claim information submitted as
13 proprietary to be excluded from availability to the
14 general public, and there is that same provision in the
15 regulation. So we believe that with the development of a
16 secure data system that we would be able to protect the
17 confidentiality of this data, similar to that of an
18 outside contractor.

19 Finally, the last issue was not an issue
20 that was a part of this certification process but rather
21 we are raising simply for your consideration in a future
22 certification process, and that is the audit requirements.
23 There are audit provisions allowed for both in statute as
24 well as regulation. The regulatory audit provisions are
25 provisions pertaining to follow-up information that the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Board can request the manner in which that information is
2 compiled and then submitted to the Board.

3 Statute contains a broader audit provision.

4 And what we are recommending, since many of the
5 certifications received are from corporate entities who
6 are very complex in nature, who have many, many product
7 lines, and for which it may be very difficult to be able
8 to track the methodologies and information used to support
9 the option and compliance claims, that the Board specify
10 for future certification cycles that there be funding set
11 aside for independent third party audits in the event that
12 there is not available staff expertise here at the Board
13 at the time the certifications are submitted to be able to
14 evaluate the compliance claims.

15 Those are the five primary issues that we
16 wish to raise. In addition, and we did not include this
17 subsequent issue because it is not something that we can
18 address within the context of the existing regulations,
19 there was significant concern raised about the inability
20 of product manufacturers to be able to truly do a good job
21 in demonstrating past compliance when past compliance is
22 really two to three calendar years ago.

23 The record keeping measures are such,
24 especially with the various company takeovers that have
25 occurred this past several years, that it is very

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 difficult to be able to substantiate the claim and that
2 presented tremendous difficulty on the part of many
3 product manufacturers during this last cycle.

4 With that, I would be happy to answer any
5 questions, and you probably have speakers as well.

6 CHAIRMAN EATON: Any questions? What was
7 the general response of the industry in assisting us in
8 some of these areas such as acquiring the right corporate
9 name? Obviously we're a regulator, but I remember when we
10 started out with the list, there was no one wanting to
11 give us a list and we simply went to the computer and got
12 the list. Then all of a sudden it was fine, we had a
13 list, and so on and so forth, but what were some of the
14 efforts made by those who were involved in the process
15 outside of staff?

16 MS. TRGOVCICH: What I can say is that with
17 respect to the trade associations that have been involved
18 with the Board in putting this process together, that they
19 were extremely helpful at the outset. And once the
20 notices went out, we provided them with copies of the
21 certification lists, and they worked with their membership
22 to be able to follow up on compliance. The problem that
23 we encountered is that many, many of these product
24 manufacturers are not members of the trade associations
25 that the Board normally deals with, and once again, many

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 of them were not even regulated to begin with.

2 CHAIRMAN EATON: Under your categories, we
3 should be able to get at some of these individuals who
4 either are part of the trade association and or are under
5 a category, perhaps resin manufacturers as opposed to the
6 middle persons, the actual Sears, the retail level,
7 basically which was one of the issues that was raised
8 early on. Is that part of that category?

9 MS. TRGOVCICH: The categories are
10 extensive. They would enable us to get at many of the
11 product manufacturers that are not represented by trade
12 associations before the Board. However, the issue as it
13 pertains to Sears, the question of who is a product
14 manufacturer, right now in regulation the product
15 manufacturer is identified as the manufacturer whose name
16 is on the label. And so our only avenue is to be able to
17 pursue that listed entity on the label at the time.

18 BOARD MEMBER JONES: Mr. Chairman.

19 CHAIRMAN EATON: Mr. Jones.

20 BOARD MEMBER JONES: We went over a lot of
21 these things. I haven't seen it in print yet until today,
22 but I'd like us to be able to take some time and make
23 comments on this, maybe over the course of the next few
24 weeks on some of these proposals, because I think a lot of
25 it makes sense.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 I think that one thing that bothered me
2 about the last one was when we go after 500 random, if
3 there is somebody that falls into that category and that
4 person competes with four other businesses and we only
5 address that one, then that person could be at a
6 competitive advantage or disadvantage in how he -- on how
7 that company can compete with those other three. So I
8 would like to at least see us trying to -- I don't care
9 what the number is. I don't care if the number is 500
10 that we start with, but just try to keep them in the same
11 category so everybody is playing on the same playing field
12 as opposed to, one, 3M. Loctite comes in but Permatex
13 doesn't, these guys don't, so you've got four people that
14 compete with Loctite that don't have to comply with the
15 same rules doesn't seem fair. And also it doesn't seem
16 like we are getting the biggest bang for our buck.

17 We would probably have more impact if we
18 take steps that address segments of industry instead of a
19 shotgun approach to everybody in industry. I would like
20 to be able to articulate that a little bit better,
21 whatever the pleasure of the Chairman of the Board is, but
22 I would like to at least give some thought to that, to
23 articulate a way to do that when we go deal with the next
24 item.

25 CHAIRMAN EATON: I only have one speaker

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 slip, believe it or not. Two, I guess, now coming up.

2 Mr. Randy Pollack, and I see a few more coming up. I was
3 hoping.

4 Mr. Pollack, how are you?

5 MR. POLLACK: Very good. Mr. Chairman and
6 Members of the Board, Randy Pollack on behalf of the Soap
7 and Detergent Association.

8 I would first like to thank the Board staff
9 for meeting with us to discuss the pros and cons of the
10 1996 certification process. I think we both were ready to
11 give input and determine the best way to proceed in the
12 future.

13 One concern I would like to raise is
14 regarding the record keeping requirements. This is of
15 concern to industry. We are concerned that the
16 information we may be giving, we want to make sure that
17 there's no release of that proprietary information. We're
18 concerned that there's currently not in the statute any
19 sort of legal ramifications that we could take if there
20 was a release of the information by the Board. That's why
21 we chose to go to a third party accounting firm. I
22 understand that there were some problems with the
23 accounting firm, but then again, I think that we all had
24 some problems in this process since it was the first time.
25 As you can see with the companies, we weren't sure who the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 container manufacturers are, and I think that is something
2 that is developing during that time.

3 Additionally, I believe that there's other
4 departments that have statutory procedures as to how to
5 handle confidential information. I believe one of them is
6 the Department of Conservation. I don't have the
7 information with me today, but also I believe discussed in
8 the regulations is how secure is that database, who has
9 access to that information. But I want to raise that
10 point as a discussion issue and probably this will be
11 ongoing, hopefully for the next few weeks.

12 Thank you.

13 CHAIRMAN EATON: Thank you. Questions of
14 Mr. Pollack?

15 Mr. Rick Best, Californians Against Waste.

16 MR. BEST: Thank you, Mr. Chairman and
17 Board Members. Rick Best with Californians Against Waste.

18 I think a lot of the issues that
19 Ms. Trgovcich has indicated I think are appropriate areas
20 to discuss. I think I want to bring up a couple of issues
21 that haven't been specifically addressed.

22 First, I think -- I concur with Mr. Jones's
23 comment about I think there's a lot of companies that
24 aren't being targeted and I think it's the Board's
25 responsibility in terms of when it pursues certification

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 to be looking at the broader range of companies that are
2 out there, and to specifically target one company and not
3 others that are out there, I think that's something that
4 needs to be addressed.

5 I think obviously the Board, in its first
6 go around, had a mailing list that it was dealing with,
7 and as it gets more understanding of this program it's
8 going to add to that mailing list, but I think the Board
9 and any future certification needs to make sure that it's
10 looking at the full range of companies that are out there
11 and not just looking at a specific list and randomly
12 targeting those companies. So I think that the Board
13 needs to be, to fulfill its responsibility in terms of an
14 effective enforcement, needs to be looking at the full
15 range of companies that are out there.

16 That being said, obviously the Board should
17 focus on those companies that are likely to be regulated.
18 Those companies that are exempted or statutorily exempted
19 from the law, there isn't a need for the Board to
20 specifically target those companies. The Board should be
21 focused on those companies that ought to be or are likely
22 to be regulated by the Board.

23 And I don't know whether this is
24 appropriate for this discussion or perhaps Item Number 26.
25 I guess most of my comments focused on the compliance.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Once the Board has gone through the certification process
2 and has identified companies that are not in compliance,
3 what the Board's procedure or what the Board is going to
4 pursue what they've done in '96 and what they're going to
5 do in '97. I guess I have to reiterate our concerns or
6 our objections that were raised at the last meeting in
7 terms of the Board's approach, whether it pursues an
8 enforcement option or whether it pursues a compliance
9 agreement.

10 I understand the Board's interpretation in
11 terms of its flexibility in this case, but I think it's
12 appropriate for the Board to fulfill its enforcement
13 responsibility, and I think the compliance agreements that
14 have been laid out in 1996 thus far are basically waiving
15 the responsibility of these companies for '96, '97, '98,
16 and '99. I shouldn't say waiving the responsibility, but
17 waving the Board's taking enforcement action against those
18 companies on the idea that there would be future
19 compliance in the year 2000.

20 I think the compliance agreements that are
21 negotiated are much tighter in addressing some of those
22 issues, but I think the fundamental issue that this Board
23 needs to address is these companies that have come before
24 the Board thus far are companies that failed to meet the
25 1996 requirements, and I think it's appropriate for the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Board to pursue an enforcement action against those
2 companies. I think the Board has taken this approach for
3 '96, but I don't think that's the approach that the Board
4 should take in future years.

5 I took a look at the agenda item that was
6 prepared by the staff several months ago when the Board
7 was looking at these various options, and the option of
8 pursuing a compliance agreement, it was estimated a staff
9 time, I think, of 23 hours, and for pursuing an actual
10 penalty hearing process, I think, was on the order of 38
11 hours. So we're not talking about a significant amount
12 difference. Obviously there is an increased amount of
13 staff time, but I think it's appropriate for the Board to
14 demonstrate its resolve in pursuing enforcement of this
15 law.

16 If the Board wants to take an enforcement
17 action and then seek remedies where the company was to do
18 something over and above the requirements of the law to
19 mitigate that, that's something for the Board to consider,
20 but I think for the Board to enter into a compliance
21 agreement without soliciting a higher level of commitment
22 of the company to comply with the law, I think, is
23 inappropriate. And based upon our review of what's gone
24 on this far, we think that in future years the Board
25 should be looking at taking those steps in terms of what's

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 laid out in the law of taking penalty enforcement
2 hearings.

3 I think that's the main issue that I wanted
4 to address and would be happy to take any questions.

5 CHAIRMAN EATON: Any questions of Mr. Best?
6 When you speak in terms of the remedy, Mr. Best, of the
7 compliance, are you saying take an enforcement action and
8 suspend that enforcement action? Are you saying -- I want
9 to be clear. You don't have any real dispute with
10 compliance orders, it's how they're placed and whether you
11 use it as a substitute for the original enforcement?

12 MR. BEST: We definitely believe that the
13 Board has a responsibility under the law in terms of to
14 take enforcement action. So I think first and foremost,
15 the Board ought to in the future, and when a company comes
16 up and it's demonstrated that they have failed to comply
17 with the law, that the Board should pursue its enforcement
18 remedies.

19 Now, if it comes out that there's
20 mitigating circumstances and the Board decides to perhaps,
21 as they have with local governments, if it was a company
22 that was at 24 percent recycled content and the Board
23 decides to mitigate that penalty based upon that, that's
24 something the Board can consider. But I think absolutely
25 the Board should pursue adoption or having a penalty

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 hearing and invoking a penalty against a company that has
2 failed to comply with the law.

3 CHAIRMAN EATON: That's one of the
4 quandaries we face, as you well know, where we've been
5 dealing in the past with retroactive application and
6 trying to change behavior for the future, and I think
7 that's sort of a continuing debate in how we can blend
8 those two.

9 MR. BEST: Right.

10 CHAIRMAN EATON: Sort of remedial kinds of
11 remedies, I think are going to be.

12 MR. BEST: I've had these discussions with
13 staff and some of the representatives of the Board, and we
14 certainly recognize that there are some things that can be
15 done to try and improve, to try and bring up the schedule
16 in terms of trying to help the Board get closer to try and
17 shorten that time period when the enforcement -- when the
18 law requirements are in place and when the actual
19 enforcement or determination of the rate is taken. And we
20 certainly think it's appropriate to try and close that
21 gap, but ultimately that may result in a fundamental
22 change, as was discussed previously, as a legislative
23 change.

24 I think ultimately some of these issues are
25 going to have to be addressed in that regard and we hope

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 that can be a subject of legislation next year to try and
2 resolve some of those issues. I think the Board is in a
3 position of enforcing the law as it is right now, and I
4 think the Board -- I think the law is pretty clear in
5 terms of what the responsibility to companies are.
6 They're responsible for complying with the law. If they
7 haven't complied with the law in 1996, even though it's
8 three years later, the fact remains these companies have
9 failed to comply with the law, and so the Board is fully
10 justified in taking enforcement action in those
11 situations.

12 BOARD MEMBER JONES: Mr. Chairman.

13 CHAIRMAN EATON: Mr. Jones.

14 BOARD MEMBER JONES: I think one thing -- I
15 know when we had the item, and there was probably some
16 people in the audience that weren't here when we got to
17 deal with this thing -- but we had 500 people or 500
18 corporations that we tried to get to. And I think that
19 the compliance orders we put together and the fact that
20 Loctite is upset that we have the penalties if they do not
21 comply, goes to the heart of what you're saying, because
22 this Board said -- I think I'll speak -- I don't want to
23 speak for the whole Board, but I think that the whole
24 Board concurred that what we're really trying to do here
25 is get people to use recycled content plastic and not so

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 much fine somebody. And if we can, through our actions,
2 get people to use recycled content plastics, that goes to
3 the heart of the issue which is finding markets for this
4 material that we are collecting and giving the cities and
5 counties some relief. But by including the fact that
6 okay -- some of these corporations, I think, honestly
7 probably weren't as acutely aware of the law in California
8 as maybe we would have all liked them to be.

9 We said, "Okay. We'll give you a chance to
10 work through this, but if you do not, you're responsible
11 for fines for years '97, '98, '99," which sends a clear
12 message that we're willing to work with you, but if you
13 don't work with us, we will fine you, as opposed to just
14 being arbitrary and fining and hope to go get compliance
15 with a hammer. I think the only thing that happens then
16 is everybody then gets their lobbyists together and tries
17 to kill something. I don't think that fits what you want
18 or what I want or what this Board wants, certainly not
19 what the industry wants or the industry that collects all
20 this plastic.

21 So I would hope that that will -- I hope
22 that logic gives you and your organization at least a
23 glimmer of hope that we are playing both the role of
24 advocate as well as enforcer in these compliance orders
25 because I think we are.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MR. BEST: I think the principal that
2 you're suggesting, I understand that. I think the problem
3 that we have is that here we are, 19 -- enforcing for
4 1996, and basically a company is given essentially a free
5 ride for '96, '97, '98 and '99, a four-year period. So
6 here's a company --

7 BOARD MEMBER JONES: If they comply, if
8 they create packaging that has 25 percent recycled content
9 or is lightweighted from this day forward. Right?

10 MR. BEST: From the year 2000 forward.

11 BOARD MEMBER JONES: Right.

12 MR. BEST: Right. But I guess what I'm
13 suggesting is at least for those four years, '96, '97, '98
14 and '99, those companies may not be in compliance.
15 Certainly they weren't in compliance in '96, and unless
16 something has changed, they probably aren't in compliance
17 in '97, '98, and '99. So here you have a company that
18 has -- the law has been on the books since 1990 or '91.

19 So the law has been on the books, they've known about it.

20 Maybe they can argue that they didn't know
21 about it, but the fact is that a lot of companies knew
22 this law was on the books, and so for a four-year period
23 they have failed to comply with the law. And the approach
24 is that we're going to sign this compliance agreement and
25 promise to do that in the year 2000, and that's the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 difficulty that we have.

2 If we're talking about a short time line
3 where you're talking about a year from when the Board
4 makes that agreement or the Board determines that you're
5 out of compliance when it actually was in place, that
6 becomes a different story because then you have an
7 immediate type of approach. But when you're talking about
8 a four-year period, you're talking about giving up quite a
9 bit of enforcement leverage for failing to meet the
10 requirements.

11 BOARD MEMBER JONES: Right.

12 CHAIRMAN EATON: Would you be willing to
13 consider or to work on a situation where our language is
14 that from when -- you say the year 2000, but we're only 45
15 days away from the year 2000. So it's a lot closer than
16 that -- wherein as part of that boiler plate language,
17 that if we did enter into one of these compliance
18 agreements, let's say for those years -- '97, '98 and '99,
19 that if you failed to comply with the compliance
20 agreement, that you could also go back in and would be
21 subjected to those fines for those previous years as well?

22 MR. BEST: I believe that's the existing
23 agreement.

24 CHAIRMAN EATON: Correct. So how would
25 that then -- that's my understanding as well. So how

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 would that go against what you're trying to say because it
2 does give us the enforcement mechanism that if they don't
3 comply with the change of behavior that they've agreed to,
4 we then can go back in basically and sort of hang them or
5 provide enforcement that we could have done originally.

6 I'm just kind of wondering. Is it
7 something that is just philosophical? It would seem to us
8 that's kind of a fair approach as to what we're trying to
9 do here. I agree with you, but at some point we've got to
10 try to change behavior as well. For some we should just
11 probably fine them outright, and others we will probably
12 want to work, but when you have a company like Toro which
13 technologically I learned something, that they can't put
14 certain kinds of products in a particular type of bottle,
15 and that they're willing to then change that way of doing
16 business or with that particular product, but they need
17 time to do it. I think that serves a public policy goal.
18 And those are sort of tradeoffs.

19 Like you say, it's a judgment call for each
20 of them and I just don't want it to be a hard and fast
21 rule.

22 MR. BEST: Well, I think In the case of a
23 company that hasn't complied or complains that they can't
24 comply, the fact is the law applies equally to all
25 companies. So if it's a situation not being able to

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 comply with the law, that's something that they ought to
2 bring up at the legislature and try and address if they
3 think that there's -- the law isn't created in a way for
4 them to do business but yet meet the state's diversion and
5 plastics recycling goals. I think that's an issue that
6 maybe needs to be addressed legislatively.

7 I think a lot of these issues, in terms of
8 how this law is implemented, those are some topics that
9 ultimately maybe there needs to be that discussion, and
10 we're open to having that discussion as part of a broader
11 context of how do we strengthen this law and improve its
12 enforcement capabilities. I guess ultimately it is
13 though, asking in terms of if it's a philosophical thing,
14 the fact is that the law, as its laid out, has the
15 requirements. They've been on the books for a number of
16 years and here are companies that have come forward, that
17 have failed to comply with the law.

18 Now the Board, in its process, both local
19 governments and other angles, has looked at well, to what
20 extent had they failed to meet it and use that as a
21 measurement for to what extent they ought to issue
22 penalties. But I think the fact is these are companies
23 that have failed to meet the requirements of the law and
24 the Board ought to go through its process of taking that
25 enforcement action. Maybe they don't get issued a

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 \$100,000 penalty, maybe they get issued whatever penalty.
2 The penalty is based on to what degree to which the
3 company has failed to comply with the law, but I think
4 ultimately these are companies that didn't meet the
5 requirements of the law, so I think the Board ought to, in
6 future years, go forward with that process.

7 CHAIRMAN EATON: Thank you. I have one
8 other speaker, Mr. Lance Hastings from the Grocery
9 Manufacturers of America.

10 MR. HASTINGS: Thank you, Mr. Chairman and
11 Members. Lance Hastings From the Grocery Manufacturers of
12 America.

13 I didn't know that I was going to comment
14 today until we saw the agenda item. We appreciate the
15 fact it was circulated. I have to apologize as well that
16 I was not involved in the working group session where a
17 lot of these issues were discussed and in the paper. I
18 will tell you, though, that I have been working with the
19 Board staff.

20 CHAIRMAN EATON: You're fine.

21 MR. HASTINGS: And my colleagues on this
22 topic. I can't underscore enough the need to protect the
23 proprietary information. That's been a familiar refrain
24 of ours since we started on this nearly two years ago,
25 that by dropping that one critical piece of information

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 that reveals the number of containers involved in the
2 stream of commerce gives up the competitive advantage or
3 disadvantage that one of our member companies may have.
4 And that data is protected as you might imagine as tough
5 as any other data, including profits and revenues. That
6 is critical data.

7 We came to an agreement last year to have a
8 third party act as the go-between in the (inaudible) of
9 that information, and for whatever reason -- maybe there's
10 a lot of reasons -- Price-Waterhouse wasn't the
11 appropriate entity. But that is an issue that our members
12 are very concerned about. Before this Board embarks on a
13 different type of regime to protect that information, we
14 certainly would like to keep the dialogue going, and
15 Mr. Jones's suggestion of keeping this item on discussion
16 for the next few weeks is something that we would be
17 interested in, and we can get more participation from our
18 members as well.

19 I want to also echo a thing that I guess
20 has become a broken record here at the Board, in calling
21 for a prospective compliance and verification and
22 calculation of the rate, Mr. Best is partially correct.
23 The law is having difficulty being complied with. Well,
24 it's a bad law, and contrary to Mr. Frasier (phonetic) the
25 best way to do with an unjust law is to enforce it to its

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 extreme.

2 We need to draw a new line in the sand and
3 get real and reasonable about how we approach our
4 packaging. It is troubling to me to hear that the first
5 line of defense ought to be an enforcement action that
6 includes a penalty because they were out of compliance for
7 a given year. That's the easy answer. The creative
8 answer, the answer this Board has pursued over the last
9 year, is to enter into agreements and discussions and
10 dialogue with companies that are, in fact, subject to this
11 law. That's something that we welcome, we appreciate it,
12 and in fact, we have been part of that discussion, but it
13 is very troubling when you know for a certain year that
14 somebody or some company was, in fact, not in compliance
15 to say, "Open your checkbook and let's get to business
16 because we're going to get you next year and the year
17 after and the year after until you're in compliance," and
18 this Board has entered into approximately eight compliance
19 agreements that seem reasonable, that have protections,
20 both for the company, for the Board, and for those who
21 want to see the change in behavior to using more recycled
22 material in their containers. That's something we
23 support.

24 The Board has been very farsighted in terms
25 of that approach and we support it, but we do need to have

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 a continued dialogue before we embark on a 1997 compliance
2 scheme that, if it resembles anything like 1996, I think
3 we're going to have the same kind of problems. I would
4 beseech the Board to continue the dialogue with us and our
5 members and my colleagues who have spoken before to have a
6 better process before we get locked down into a regime for
7 1997.

8 MS. TOBIAS: Mr. Chair, may I ask a
9 question?

10 CHAIRMAN EATON: Sure. Ms. Tobias.

11 MS. TOBIAS: In the PRC, Section 42323 does
12 say that proprietary information shall not be made public,
13 so what is it that you would be looking for?

14 MR. HASTINGS: I would have to check with
15 our folks, but it was that same regulation that was in the
16 books when we embarked on negotiations regarding
17 Price-Waterhouse, that if made available to the general
18 public was our concern. We don't want it to be disclosed
19 at all. And I don't know how you classify the public
20 versus general, staff here or a Board Member. I don't
21 know. I do recall that was the major concern.

22 MS. TOBIAS: It seems fairly
23 straightforward to me, "shall not be made available to the
24 general public," but --

25 CHAIRMAN EATON: That would be enough for

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 us to deny a public records request I would think.

2 MS. TOBIAS: Sure.

3 CHAIRMAN EATON: If that's what you're
4 concerned about.

5 MR. HASTINGS: I would have to review why
6 we got to the situation with Price-Waterhouse.

7 BOARD MEMBER JONES: Mr. Chairman.

8 CHAIRMAN EATON: Mr. Jones.

9 BOARD MEMBER JONES: One of the things that
10 Mr. Best had said in his testimony earlier -- Mr. Pollack.
11 I'm sorry. There was no -- what if -- okay. We're not
12 supposed to divulge it, but let's just say by accident we
13 did. What is the recourse of that harmed industry against
14 us for not living by the law?

15 MS. TOBIAS: They can basically take us to
16 court. They can -- that means we would have violated the
17 law because it says "shall not be made available to the
18 general public." They would show their damages and the
19 judgement would be basically we would be responsible for
20 paying whatever damages were deemed to have occurred for
21 the release of that information. So I guess that's why I
22 asked, is that I'm not quite clear, and maybe they can
23 help us by telling you what else they're either concerned
24 about or that they want in this because I'm not clear why
25 this doesn't cover the situation, but we can certainly

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 look into that.

2 CHAIRMAN EATON: Thank you. I think we'll
3 take a ten-minute break. The court reporter needs a
4 break. I know I do. We'll reconvene at 3:15.

5 (Brief recess taken.)

6 CHAIRMAN EATON: All right. Welcome back,
7 everyone. Members, welcome back. Thank you for your
8 promptness.

9 Any ex partes to report, Mr. Pennington?

10 BOARD MEMBER PENNINGTON: Not from me.

11 CHAIRMAN EATON: Mr. Jones.

12 BOARD MEMBER JONES: Mr. Chairman, I said
13 "hi" to my friend Steve South from EDCO, Evan Edgar, and
14 the honorable Council Member George Williams from the City
15 of Auburn, and said "hi" to Rick Best and Chuck Helget.
16 And I think that was it.

17 CHAIRMAN EATON: All right.

18 Ms. Moulton-Patterson.

19 BOARD MEMBER MOULTON-PATTERSON: Thank you,
20 Mr. Chair. I'm still completing that list of that one
21 meet-and-greet. There was a Jim Petrolis from So-Lag
22 Disposal, Efrin Herrera from Park Disposal, and I'll get
23 the exact name for the representative from EDCO.

24 CHAIRMAN EATON: And during the break, I
25 just had a meet-and-greet with Jim Leitz (phonetic),

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 former coworker and now advocate for many, many
2 industries, and George Larsen regarding RPPC. Okay.

3 Next item, I believe, is Item Number 26 and
4 my understanding is Mr. John Nuffer is going to make this
5 presentation.

6 MR. NUFFER: Yes. Thank you, Mr. Chairman
7 and Board Members.

8 As you recall, last December and then in
9 January, we came to you with two different items with
10 many, many alternatives for pursuing compliance related to
11 the 1996 recycling rate for rigid plastics, and based on
12 your direction to pursue a certification path for 1996,
13 we've kept these options, including the voluntary options,
14 fewer than before.

15 To start with, the Board does have
16 discretion to take enforcement action or not to take
17 enforcement action, and we've provided basically four
18 options today for your consideration. The first is an
19 enforcement option and the other three are basically not
20 enforcement options.

21 The first option would be to conduct a
22 certification and enforcement process similar to the one
23 we are concluding for the 1996 year, and that would
24 include certification of compliance for whatever target
25 group the Board decides upon. We would develop or propose

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 to develop compliance agreements with cooperative
2 companies and then schedule public hearings for companies
3 that have been uncooperative or unresponsive. And if you
4 choose this enforcement option, we would propose to come
5 back at a later point with the certification proposal
6 based -- addressing some of the issues that Caren
7 mentioned earlier, including some of your comments
8 earlier, including who do we target, which companies or
9 industries, what do we do about record keeping, do we want
10 to change the content of the certification forms, and can
11 we identify a cutoff date for the submission of data from
12 manufacturers.

13 The second option relates to one of the
14 first, option two, the first non-enforcement option. That
15 option basically is to publicize the 1997 rates widely to
16 let people know that the recycling rate for rigid plastic
17 is trending downward and that the Board intends at a
18 future date to pursue a compliance certification. That
19 can be for the year 2000. It could be for another year.

20 Option three would be to work with trade
21 associations on a voluntary basis, and there are some that
22 we're working with now that have been very interested in
23 working with us, to try to work out voluntary
24 industry-wide programs.

25 And the fourth option would be to support

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 research and testing which would provide more information
2 so that companies, product manufacturers, would know more
3 about what they can use in terms of post-consumer resin.
4 From time to time we run across misinformation. A
5 container manufacturer might not use post-consumer resin
6 and might not let their product manufacturer know that
7 that's available.

8 So basically we're providing you with four
9 options. One is option one, to take enforcement action
10 for the '97 year, similar to the 1996 year; and if you
11 choose that option, we would propose to come back with a
12 completed certification proposal for your review and
13 consideration.

14 CHAIRMAN EATON: How long do you think that
15 would be? January? February? I'm not trying to nail you
16 down, because I assume at this point the process would be
17 meeting with the working group, again trying to resolve
18 some of the issues that either Mr. Best or others had
19 brought up about, you know, problems or hurdles we've had,
20 the proprietary issue, those kinds of things. I'm not
21 trying to lock you into a date, but I'm trying to get some
22 sense for us how long that would take.

23 Some of these seem to be options that seem
24 to be not mutually exclusive, but actually part of what we
25 should be doing anyway. I want to get some sense for the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Board Members how long it might take.

2 MS. TRGOVCICH: I believe that the earliest
3 we could return to you with a certification proposal would
4 be at your January meeting. One of the important things
5 to note, that if you choose to have us develop a
6 certification proposal, is that the regulations specify
7 that manufacturers are to retain their records for two
8 years from the end of the compliance year, if they're
9 using the primary option most manufacturers use which is
10 post-consumer resin compliance option.

11 If you choose to pursue that option, we
12 will need direction to notify product manufacturers of the
13 extension of the records retention time period because we
14 will be moving into the third calendar year on January 1.

15 BOARD MEMBER JONES: Mr. Chairman.

16 CHAIRMAN EATON: Mr. Jones.

17 BOARD MEMBER JONES: The -- we don't have a
18 resolution, but I'm going to propose something because I
19 think we have to enforce this law.

20 CHAIRMAN EATON: Before you actually
21 propose the motion, I just want to have a couple of
22 comments from some of the previous speakers --

23 BOARD MEMBER JONES: Okay.

24 CHAIRMAN EATON: -- either Mr. Best or
25 someone from the trade association, with regard to the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 enforcement that the records retention issue, any thoughts
2 or support or opposition to that because that is a
3 complication and I think legally we are able to provide
4 that notice.

5 MS. TRGOVCICH: We can provide that notice.
6 You did that for this last calendar year to extend it into
7 1999.

8 I would just like to provide with you one
9 other point of information. We are approaching the point
10 in time in which the information will be available in the
11 next several months from the Board's statewide
12 characterization study. That information will be used to
13 calculate the 1998 and 1999 all-container recycling rates
14 and PETE rates. We will be in a position, likely in
15 spring, the March-April time frame, to return to you with
16 a calculation item for 1998 and 1999.

17 So I wanted you to have that information as
18 you discuss this.

19 BOARD MEMBER JONES: But --

20 CHAIRMAN EATON: Mr. Jones.

21 BOARD MEMBER JONES: -- the calculation
22 issues that the waste generations or characterization
23 study is going to provide was always intended for '98-'99.
24 '97, everybody I thought agreed -- didn't we include --
25 maybe it wasn't '97, it was '98 -- that we included using

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 both processors and reclaimers.

2 MS. TRGOVCICH: For '97. Waste
3 characterization --

4 BOARD MEMBER JONES: We went through a lot.
5 You guys went through a lot of work, and the industry did,
6 to make sure, and I think, you know, that satisfies me
7 that the number is right and that, you know, we need to
8 continue down this path of compliance orders, enforcement
9 actions, those types of things.

10 MS. TRGOVCICH: I guess to be more direct,
11 the reason that I was raising that was because in four
12 months down the road, you may be in the position in the
13 event that the rate falls below 25 percent for '98 and/or
14 '99, to initiate a subsequent certification process very
15 soon in the new calendar year.

16 BOARD MEMBER JONES: Right. But that would
17 be for years '98.

18 MS. TRGOVCICH: For '98 and '99.

19 BOARD MEMBER JONES: And we're dealing with
20 '97.

21 I saw Lance walk in.

22 CHAIRMAN EATON: If there's any comments by
23 Mr. Hastings or Mr. Best with regards to those issues.

24 MR. HASTINGS: Lance Hastings again from
25 the Grocery Manufacturers of America.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 For the 1996 year, we had reached an
2 agreement based upon reading the regulations and the
3 statute that an extension was in order. You guys
4 communicated that to the product manufacturers. I don't
5 know if the time limit is a limit, in fact, so I don't
6 know if it's as big a concern as was mentioned. You had
7 the option to exercise to extend records retention, so
8 don't rush into a compliance.

9 (Laughter)

10 CHAIRMAN EATON: Would we have your support
11 in case any of your member organizations decided to
12 challenge us on the records retention?

13 (Laughter)

14 CHAIRMAN EATON: Pardon? I didn't get that
15 for the record.

16 MR. BEST: With regards to the record
17 retention, I'm not really versed in terms of the
18 legalities, but I think certainly extending so that the
19 folks can have that data available to the -- so that they
20 can report it is certainly appropriate.

21 CHAIRMAN EATON: The catch-22 here is if we
22 don't take the enforcement action by the end of 1999, it
23 becomes 2000, then the question could arise as to whether
24 or not they were legally obligated to retain their
25 records, but if we decide or if we choose to go the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 enforcement route, it's going to take us some time to put
2 together a package, a work group like we've always done,
3 do we run the risk of losing some because of the records
4 retention issue. So that's sort of the catch-22 for the
5 Board, you know, whether they have to do an enforcement
6 thing today which sort of freezes the records retention,
7 or do we have the flexibility to say we can extend it past
8 there but the records retention extension time frame
9 allows us still to keep them within the net.

10 MR. BEST: I guess in terms the -- whether
11 the Board should proceed now or at a later date, I guess
12 at this point it would be our recommendation that the
13 Board proceed now as if they were going to go forward with
14 the '97 certification process. It was indicated that the
15 Board is going to be looking at '98 and '99. I think if
16 the timing was right, it might be appropriate to combine
17 those, but I think at this point there are a lot of issues
18 that have been raised with regards to the certification
19 process. Those ought to get worked out first with the
20 understanding the Board is prepared to pursue a
21 certification process for '97. So that would be our, you
22 know, our recommendation.

23 I think our concern is that if the Board
24 waits until April or May to pursue a certification
25 process, a lot of those issues may not have been worked

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 out and at what point whether the certification process
2 really be going into place. We would like to see at least
3 a lot of these issues that have been raised with regards
4 to the certification process be dealt with now and the
5 Board indicate its intention to pursue a certification
6 process for '97 so that companies are aware that the Board
7 is going to be taking an action.

8 CHAIRMAN EATON: I think that's where
9 Mr. Jones was going, but wanted to have some time frame or
10 some of the comments that you made incorporated in that,
11 so I was asking sort of the time frame that we would do
12 that. I don't know what he had in his motion but we'll
13 see if that's all in there. So let's let him make his
14 motion and see if that's part of it.

15 MS. TOBIAS: Mr. Chair, can I just ask
16 something?

17 CHAIRMAN EATON: Sure.

18 MS. TOBIAS: I guess the other point I
19 would make is I don't -- it seems to me we could also
20 change the regs on record compliance. You could do an
21 emergency change on that. In my mind that's really not --
22 that shouldn't be an impediment to what the Board wants to
23 do in terms of trying to go forward with the compliance on
24 this. I think since we've done it in regulations, it
25 means that we chose a period of time that we thought was

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 reasonable at the time. If it's not reasonable now, then
2 maybe we need to change that part of it.

3 CHAIRMAN EATON: Thank you. That's really
4 helpful, and that would be under the emergency reg
5 provision --

6 MS. TOBIAS: Right.

7 CHAIRMAN EATON: -- we could move forward
8 with that.

9 MS. TOBIAS: I think we could do it in
10 time, and I think if the Board indicated they wanted to do
11 that, we could certainly put the parties on notice that
12 that's what we were going to do. So to me that's -- I
13 don't want to say it's a non-issue, but I think it's a
14 fixable issue.

15 CHAIRMAN EATON: Mr. Jones.

16 BOARD MEMBER JONES: Mr. Chairman, this
17 is -- this motion is going to be more in the way of
18 direction, obviously, because there's not the "whereases"
19 and the "therefores."

20 I think that we move to require
21 certification for the 1997 compliance year, take the
22 appropriate enforcement action including the development
23 of compliance agreements and the imposition of fines and
24 penalties, that we extend the -- or that we do a
25 notification to make sure that we've extended the time for

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 the records retention, that we look through the SIC Code
2 to try to find competitor-type businesses so if we're
3 going after a 3M, it includes 3M and those companies that
4 compete on those lines for a total of -- what did we have
5 last time? 500?

6 CHAIRMAN EATON: 500 was just the initial.
7 That's what I think the Board settled on. There was a
8 push by some.

9 BOARD MEMBER JONES: For 10,000.

10 CHAIRMAN EATON: Well, you know. I think
11 that the smaller the sample, the same kind of problems you
12 have taking place that we're now being sort of, you know,
13 criticized, the fact that some of the categories aren't as
14 large because you find that they aren't regulated, so the
15 larger the net, the greater the sampling and probably the
16 greater likelihood that you won't have some of the impacts
17 that there are in just singling out part of that because
18 of the small sample.

19 BOARD MEMBER JONES: Then I would --

20 CHAIRMAN EATON: The problem was, remember,
21 this was the first time we went through it. It was
22 difficult to get a list. Many of us compiled a list off
23 the web. Airplane magazines where resin manufacturers
24 were advertising was another great source, believe it or
25 not, we found a lot of companies in Texas, those kinds of

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 things. I think where I'm trying to go is saying we
2 should -- I think what you wanted to do is just basically
3 have the staff prepare --

4 BOARD MEMBER JONES: Prepare to contact
5 between 750 and a thousand businesses and to start
6 emergency regs to extend or to redefine the time retention
7 change to three or four years, whatever the Board's
8 pleasure is.

9 MS. TOBIAS: Can I get some clarification
10 on that?

11 CHAIRMAN EATON: You want me to try and
12 repeat the motion? I think I know where Mr. Jones wants
13 to go. I'm not sure, and you know it's really a sad day
14 when I can start to interpret another Board Member's
15 motions and that, but I think that --

16 BOARD MEMBER JONES: You do okay. It's
17 just when you're mad, you make us repeat them.

18 (Laughter)

19 CHAIRMAN EATON: Obviously I'm quite
20 jovial today.

21 (Laughter)

22 BOARD MEMBER JONES: That's why I took the
23 chance.

24 CHAIRMAN EATON: Mr. Pollack, before I
25 begin obviously.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MR. POLLACK: Thank you. Randy Pollack on
2 behalf of the Soap and Detergent Association.

3 I would ask the Board to consider those
4 companies who were part of the certification process in
5 1996 maybe to be excluded from the 1997.

6 Thank you.

7 CHAIRMAN EATON: Okay.

8 BOARD MEMBER PENNINGTON: Mr. Chairman.

9 BOARD MEMBER JONES: Let me ask --

10 BOARD MEMBER PENNINGTON: Go ahead.

11 BOARD MEMBER JONES: One of the issues,
12 like Toro was I think the only one that was identified.
13 Right? In that grouping. Is that -- was that accurate?
14 What would happen if we did Toro, Husqvarna, Black -- I
15 mean all the different lawnmower manufacturers that also
16 produce their own oil that goes in, wouldn't that level
17 the playing field for a Toro?

18 MR. HASTINGS: Yes, it would, but I think
19 you're going to have selective enforcement and I think
20 that could be a problem for the Board. It's no longer a
21 random sampling.

22 CHAIRMAN EATON: The only way you get a
23 round selective is if you turn over a list of all the
24 names of manufacturers. That's what we've been trying to
25 get at, and I think that solves the problem because I'm

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 willing to do that, but you can't argue selective
2 enforcement if you don't give us the information. It's
3 that simple.

4 MR. HASTINGS: The Soap and Detergent
5 Association did give our membership list last year.

6 CHAIRMAN EATON: I wasn't speaking to you
7 personally, but I'm saying that's where we are with some
8 of the manufacturers. I think that's the key component
9 there. If we get them all out on the table, then you can
10 do a random sampling. Most of us have been involved in
11 sampling and polling and whatever and know the larger the
12 universe and the sample size that you use, the better
13 representative sample you have, and that's what we tried
14 to do. Everyone knows that even 500 is not good enough
15 for a statewide survey under standard polling in
16 California, and surely 500 nationwide is not really
17 representative of a sample, you know, nationwide. So I
18 think that's been part of our problem.

19 But I think what I was trying to get to is
20 what I would like to do is rather than getting specific
21 about what should or should not be part of the
22 certification process, whether it be the exclusion or, as
23 Mr. Best said, with regard to particular members, is that
24 we use the intervening time between now and January to
25 have the working group convene, get some of these issues

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 and bring them here, and then we will be able to decide as
2 Board Members which of those options or recommendations,
3 whether they be audit requirements, the notification
4 letter and some of the other issues were brought there in
5 terms of an actual agenda item.

6 I think for us to now start picking and
7 choosing whether or not to do that is not what where we
8 want to probably be.

9 Ms. Tobias.

10 MS. TOBIAS: Mr. Chair, I wondered if you
11 wanted to give us specific direction on the emergency
12 regulations so that we could start that part of it. We're
13 thinking about just four years, of changing the reg to say
14 they have to be retained for four years, and whatever
15 Ms. Trgovcich thinks.

16 CHAIRMAN EATON: Would that require a
17 separate motion? Could that be part of Mr. Jones's
18 regular motion, and then with specific direction that that
19 part of the motion be brought back?

20 MS. TOBIAS: Fine.

21 CHAIRMAN EATON: In December.

22 MS. TOBIAS: Which part are you going to
23 bring back? I think that --

24 CHAIRMAN EATON: The emergency regs.

25 MS. TOBIAS: I think if you can be specific

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 enough, because this item is noticed as it is for
2 consideration of certification enforcement and other
3 options, that if you can be specific enough, we can start
4 the emergency reg process with that direction. It
5 probably should be a separate motion, should be if you're
6 going to suggest the working group consider Mr. Jones's
7 recommendation and come back with one.

8 CHAIRMAN EATON: Mr. Jones, shall I --
9 Mr. Pennington.

10 BOARD MEMBER PENNINGTON: I'm wondering,
11 Mr. Chairman, if we shouldn't just take a little break and
12 write something out so we know what we're really doing
13 here. I'm -- we have these sometimes, these resolutions,
14 and we're not sure exactly what we have. If we could take
15 a minute or two and write something out so we could see
16 exactly what we're doing, it would be better for all of us
17 as well as staff.

18 CHAIRMAN EATON: Why don't I try to
19 articulate what the motion is, and if we can designate
20 someone as the taker and they could write that down and
21 give us a few minutes while we go on to another item and
22 then look at it that way. Would that --

23 BOARD MEMBER PENNINGTON: That would be
24 fine.

25 CHAIRMAN EATON: All right. I think

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Mr. Jones would like the motion to consist of would be to
2 require that the Board proceed with a -- to require
3 certifications for the 1997 compliance year and that that
4 include taking the appropriate enforcement actions
5 including the development of compliance agreements and the
6 imposition of fines and penalties; in addition, to proceed
7 with the notification of records, and also as part of the
8 option to explore the SIC Code as well as looking at the
9 items identified by staff that are implementation issues
10 and their recommendations, as well as the public comments
11 by those present today, and that those items be included
12 in the agenda item in the January meeting for the Board's
13 consideration.

14 The second motion would consist of
15 directing the staff to begin emergency regulations whereby
16 we would proceed to change the regulations from the
17 current two-year retention to four-year, and that would be
18 achieved through an emergency regulation process which
19 would be brought back before the Board next month,
20 December 1999.

21 MS. TOBIAS: I don't think we would
22 anticipate bringing the emergency regulation back before
23 the Board. We would simply initiate that regulation under
24 your direction. Now, if that's what you want or we can
25 certainly bring it back.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER JONES: That's the only
2 change; right?

3 MS. TOBIAS: All I see is a change from the
4 "two" to the "four," and if that's the only change you're
5 making, I think we can initiate that.

6 CHAIRMAN EATON: So the second --

7 MS. TOBIAS: The second would just indicate
8 that the staff should initiate emergency regulation that
9 changes that regulation from two years to four years for
10 record retention.

11 BOARD MEMBER PENNINGTON: Mr. Chairman, I
12 think that's pretty clear. We could vote on that. It's
13 the other --

14 CHAIRMAN EATON: You're very kind. I just
15 don't think you want to hear it again, but you're very
16 kind.

17 (Laughter)

18 CHAIRMAN EATON: All right. That being the
19 case, Mr. Jones moves and I guess Mr. Eaton seconds that
20 we adopt the Resolution as enunciated by Mr. Jones, but
21 before we do that, I see a one-minute -- I think
22 Mr. Hastings is going to respond to my question or perhaps
23 he's going to --

24 MR. HASTINGS: Do you have a new one for
25 me? Lance Hastings with the Grocery Manufacturers

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Association.

2 I wanted one point of clarification. Does
3 this motion lock you into then just these items in terms
4 of pursuing compliance? For example, if the SIC Code is
5 discovered not to be the most efficient way to go about
6 it, will this motion limit you to look fully at that?
7 Because in the course of the next two months, we'll have a
8 discussion about what works and what doesn't work, I hope.

9 CHAIRMAN EATON: Maybe I wasn't clear, and
10 that could be the case, but the whole idea for the
11 intervening time period was to have the working group meet
12 and discuss those outstanding issues that were either
13 raised in the public testimony or the implementation
14 issues raised by Ms. Trgovcich or any of the other issues
15 and then it would be brought back. It doesn't lock
16 anything in. The staff may recommend that, but it would
17 be reviewed by the Board at the January meeting.

18 MR. HASTINGS: Okay. Thank you,
19 Mr. Chairman.

20 CHAIRMAN EATON: All right. Been a long
21 time since we had a roll call. Perhaps we should see if
22 we're still here. Madam Secretary, please call the roll.

23 BOARD SECRETARY: Board Members Jones.

24 BOARD MEMBER JONES: Aye.

25 BOARD SECRETARY: Moulton-Patterson.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER MOULTON-PATTERSON: Aye.

2 BOARD SECRETARY: Pennington.

3 BOARD MEMBER PENNINGTON: Aye.

4 BOARD SECRETARY: Chairman Eaton.

5 CHAIRMAN EATON: Aye.

6 Okay. Muddling through, Item 27.

7 BOARD MEMBER JONES: That was on both

8 pieces or the emergency regs?

9 CHAIRMAN EATON: On the first.

10 It was on the -- we're going to bring back

11 the enforcement. That was on the portion we have -- she

12 said we didn't have to have a motion on the --

13 MS. TOBIAS: I would just assume actually

14 that you do a motion on the --

15 CHAIRMAN EATON: On the regs?

16 MS. TOBIAS: If you're directing staff to

17 go ahead and initiate emergency.

18 BOARD MEMBER PENNINGTON: I blew it, so I'm

19 stuck with the vote.

20 BOARD MEMBER JONES: Mr. Chairman, I'll

21 make a motion that we direct staff to start emergency regs

22 changing the two-year record retention to four-year record

23 retention.

24 BOARD MEMBER MOULTON-PATTERSON: Second.

25 CHAIRMAN EATON: Mr. Jones moves and

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Ms. Moulton-Patterson seconds that we direct staff to
2 initiate emergency regulations changing record retention
3 from two to four years.

4 Without objection, substitute the previous
5 roll call.

6 BOARD MEMBER JONES: Wait. I'm sure
7 there's more. Hold on.

8 MS. TOBIAS: No. All I wanted to do was
9 say the section number, 17946.5.

10 CHAIRMAN EATON: I'm not mad at you, but
11 would you repeat that?

12 (Laughter)

13 CHAIRMAN EATON: I'm just kidding.

14 BOARD MEMBER PENNINGTON: Actually, I'd
15 like it in writing.

16 CHAIRMAN EATON: 12- or 14-point type?

17 BOARD MEMBER PENNINGTON: Can't read either
18 one of them.

19 CHAIRMAN EATON: All right. So we will
20 just amend into that the appropriate section that was just
21 stated. All right.

22 BOARD MEMBER JONES: Do we need to vote on
23 that?

24 CHAIRMAN EATON: I just said -- we voted.
25 Didn't even hurt.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Item Number 27.

2 MS. TRGOVCICH: Item Number 27 should be
3 very quick, Members. The item is listed as
4 reconsideration of scheduling public hearings for
5 enforcement of the RPPC law, and it lists the product
6 manufacturers that you specified in your motion last
7 month.

8 Because of the motion we took last month,
9 this has prompted many of those product manufacturers to
10 get in touch with us for the first time in a year and a
11 half, and we've seen considerable movement on their part.
12 So we were unprepared to come to you today because as a
13 result of those contacts, it appears that most of those
14 companies are not regulated by this law. It appears at
15 this time that the Belvin Bell Company is not regulated,
16 the Dee Jewelry Manufacturing is not regulated, Milspec
17 Fasteners is not regulated. NPL Technologies qualifies
18 for the medical exemption, and that Uncle Milton
19 Industries is not regulated.

20 We will be returning to you with this same
21 item on the December agenda so that you can formalize the
22 action or reconsideration of your action at that time. We
23 are proceeding to -- and we have already used a process
24 server to notify Chemlite Industries of the public hearing
25 scheduled for the December Board meeting, and we will be

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 proceeding to do the same with Loctite and Pep Boys, even
2 though we are proceeding to negotiate compliance
3 agreements with those last two manufacturers.

4 CHAIRMAN EATON: All right. No action is
5 necessary. I think that completes at least for today's
6 agenda the Waste Prevention and Market Development area.
7 Thank you very much.

8 Local Assistance and Planning. For those
9 of you who may have just entered the Board room, we're
10 sort of hopping around under Local Assistance and Planning
11 Compliance. Items 2, 3, and 4 will be heard. Items 6
12 through 11 were on consent calendar and therefore have
13 already been disposed of.

14 Mr. Schiavo.

15 MR. SCHIAVO: Yes. Kyle Pogue will be
16 making the presentation for the next two items.

17 MR. POGUE: Good afternoon, Mr. Chairman
18 and Board Members. I'm Kyle Pogue with the Office of
19 Local Assistance.

20 Agenda Item Number 2 is consideration of
21 staff recommendation to correct the base year and
22 reporting years for the previously approved Source
23 Reduction and Recycling Element; and consideration of the
24 biennial review findings for the Source Reduction and
25 Recycling Element for the City of Auburn of Placer County.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Staff conducted a biennial review of the
2 City of Auburn's Source Reduction and Recycling Element in
3 accordance with the process described in the October 1997
4 Board-approved biennial review process. The City of
5 Auburn is successfully implementing a large majority of
6 its Source Reduction and Recycling Element selected
7 programs.

8 Additionally, staff review the City of
9 Auburn's request to correct the base year disposal amount
10 and 1995 and 1996 reporting year disposal amounts. With
11 these corrections, the City of Auburn's diversion rates
12 exceed the 1995 diversion goal. Board staff has
13 determined that the method used to calculate the diversion
14 rate has been adequately documented and is consistent with
15 previous Board standards for accuracy.

16 Therefore, staff recommends that the
17 request to correct the base year and reporting years be
18 approved and the biennial review findings be accepted.

19 That concludes my presentation and I'm
20 available to answer any questions. Also, representatives
21 from the City of Auburn are present to answer any other
22 questions you may have.

23 Thank you.

24 BOARD MEMBER JONES: Mr. Chairman.

25 CHAIRMAN EATON: Mr. Jones.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER JONES: I want to move
2 adoption of Resolution 1999-598, consideration of staff
3 recommendation to correct the base year reporting and
4 reporting year for the previously approved Source
5 Reduction and Recycling Element, consideration of biennial
6 review findings for the Source Reduction and Recycling
7 Element for the City of Auburn.

8 BOARD MEMBER PENNINGTON: Second.

9 CHAIRMAN EATON: Hometown favorite
10 Mr. Jones moves --

11 BOARD MEMBER JONES: I actually had the
12 garbage --

13 (Laughter)

14 CHAIRMAN EATON: -- and Mr. Pennington
15 seconds that Resolution 1999-598 be approved.

16 Without objection, we'll substitute the
17 previous roll call. Hearing no objection, so shall be
18 ordered.

19 CHAIRMAN EATON: Mr. Jones.

20 BOARD MEMBER JONES: Mr. Chairman, just so
21 you know, the Mayor Kathy Zans, George Williams was here
22 before, Becky Cyren and their local assistance folks are
23 sitting back in the audience. We appreciate you coming
24 all the way down here.

25 CHAIRMAN EATON: Item Number 3.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MR. POGUE: Once again, I'm Kyle Pogue with
2 the Office of Local Assistance. Please bear with me as I
3 do this again.

4 Agenda Item Number 3 is consideration of
5 staff recommendation to correct the base year and
6 reporting years for the previously approved Source
7 Reduction and Recycling Element; and consideration of the
8 biennial review findings for the Source Reduction and
9 Recycling Element for the unincorporated area of Placer
10 County, hereon referenced as Placer unincorporated.

11 Staff conducted a biennial review of the
12 Placer unincorporated Source Reduction and Recycling
13 Element in accordance with the process brought up in the
14 October 1997 Board-approved biennial review process.
15 Placer unincorporated is successfully implementing a large
16 majority of its Source Reduction and Recycling Element
17 selected programs.

18 Additionally, staff reviewed Placer
19 unincorporated's request to correct the base year disposal
20 amount and 1995 and 1996 reporting year disposal amounts.
21 With these corrections, Placer unincorporated's diversion
22 rates exceed the 1959 diversion goal.

23 Board staff has determined that the method
24 used to calculate the revised diversion rates has been
25 adequately documented and is consistent with previous

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 board standards for accuracy.

2 Therefore, staff recommends that the
3 request to correct the base year and reporting years be
4 approved and the biennial review findings be accepted.

5 That concludes my presentation, and I'm
6 available for any questions you may have. Thanks.

7 CHAIRMAN EATON: Mr. Jones.

8 BOARD MEMBER JONES: Mr. Chairman, as a new
9 resident of Placer County, you might want to make this
10 motion.

11 CHAIRMAN EATON: Not there yet.

12 BOARD MEMBER JONES: All right.
13 Mr. Chairman, I'll move adoption -- you know,
14 Mr. Pennington is giving me a bad time saying I know those
15 were your numbers, but actually they included sewer sludge
16 and then some weight issues.

17 BOARD MEMBER PENNINGTON: I wouldn't touch
18 that --

19 (Laughter)

20 CHAIRMAN EATON: Let me ask you a question.

21 BOARD MEMBER JONES: Yes, sir.

22 CHAIRMAN EATON: Do these numbers include
23 the potential growth of Penryn which now seems to be a
24 topic of some controversy in Placer County?

25 (Laughter)

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER JONES: Mr. Chairman.

2 CHAIRMAN EATON: And do they allow for that
3 kind of growth?

4 BOARD MEMBER JONES: I have no idea.

5 I want to move adoption of Resolution
6 1999-604 to correct the base year and to approve the
7 biennial review findings for unincorporated Placer County.

8 BOARD MEMBER PENNINGTON: Second.

9 CHAIRMAN EATON: Mr. Jones moves and
10 Mr. Pennington seconds that we adopt Resolution 1999-604.

11 Without objection, substitute the previous
12 roll call. Hearing no objection, so shall be ordered.

13 Thank you, Mr. Jones. Item Number 4, the
14 last in Local Assistance and Planning Compliance for
15 today's agenda.

16 MR. SCHIAVO: And Eric Bissinger will be
17 making that presentation.

18 MR. BISSINGER: Good afternoon, Board
19 Members and Chairman Eaton. My name is Eric Bissinger
20 with the Office of Local Assistance, and I'm presenting
21 agenda Item Number 4.

22 This item considers adopting a compliance
23 order to the City of Chowchilla in relation to the
24 biennial review of the City's Household Hazardous Waste
25 Element. Upon review of the '95 and '96 annual reports,

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 the City identified that no household hazardous waste
2 programs were implemented during these reporting years.
3 Staff contacted and urged the City to confirm that indeed
4 household hazardous waste programs were not implemented
5 during these years. Given telephone and written responses
6 from Chowchilla, staff could not confirm program
7 implementation. Therefore, staff was unable to determine
8 if the City had made a good faith effort in implementing
9 the Household Hazardous Waste Element.

10 As recently as late Friday afternoon,
11 November 12th, the City of Chowchilla faxed me information
12 that suggested the City did participate in a countywide
13 household hazardous waste collection event during
14 reporting year 1996. Staff has just received the
15 documentation that addresses this claim, yet I have not
16 reviewed the information and I'm still unable to determine
17 compliance.

18 This concludes my presentation, and a city
19 representative of Chowchilla is here to answer questions.

20 CHAIRMAN EATON: Any questions of staff
21 before we get to Mr. William Skinner from the City of
22 Chowchilla? Okay.

23 Mr. Skinner.

24 MR. SKINNER: Good afternoon, Mr. Chairman
25 and Board Members. My name is William Skinner

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 representing the City of Chowchilla in Madera County. The
2 City appreciates this opportunity being provided by the
3 Board to present evidence in opposition to the compliance
4 order being considered today for the City.

5 The City and its residents have implemented
6 many waste reduction programs in the past several years.
7 We have assessed the causes for the situation we find
8 ourselves in today and apologize to the Board for taking
9 up unnecessary and valuable time. We have found ourselves
10 particularly inexperienced in completing the reporting
11 forms and unfamiliar with the process that has led to this
12 misunderstanding which we're here today to correct.

13 As a point of reference, Chowchilla is a
14 small city, about 6,500 people, and as such our staff is
15 very limited. In the past we have joined with Madera
16 County and the City of Madera in implementing the HHWE and
17 the SRRE. We relied on the County to provide these
18 resources and reporting.

19 The core of the misunderstanding is that we
20 did not correctly fill out the boxes, and again it was a
21 staff error, first time doing it. Rather, we relied on
22 Madera County in the previous years, particularly pre-'95,
23 '96 and '97, and we found that even though the County had
24 done some reporting, the City itself was responsible for
25 adequately reporting on those years.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 After receiving notice from the Board of
2 the compliance order being considered today, we went back
3 and documented Madera County's efforts that in fact
4 Chowchilla's residents had participated in implementation
5 of the HHWE programs for the years '95 and '96. As
6 Mr. Bissinger had indicated, earlier this afternoon we did
7 present him with a complete package of those findings.
8 The City participated in a countywide event held in 1996,
9 particularly July 27th, I believe, and that was advertised
10 in the Chowchilla newspaper on four separate occasions.
11 According to Madera County Environmental Health
12 documentation, at least 12 Chowchilla residents
13 participated in that single-day event.

14 Recently, the City has worked very
15 diligently to develop a used motor oil recycling program
16 jointly with Madera County and the City of Madera, and
17 that we're also applying for grant funds to provide
18 collection facilities through merchants and auto
19 dealerships within the city limits.

20 Overall we're not pleased with the
21 performance of Madera County in implementing the programs
22 on a countywide basis. Both the Cities of Madera and
23 Chowchilla have been very critical of the County's
24 implementation efforts as well as their reporting program.
25 The County has reinforced its commitment to deal with a

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 contractor to fully implement the programs for which they
2 were retained. Furthermore, both the Cities of Madera and
3 Chowchilla have indicated to the County that if they do
4 not start pulling their line correctly, that Chowchilla
5 and Madera will take over these programs themselves for
6 implementation.

7 Again, what the City of Chowchilla is here
8 to respectfully request of the Board is the following and
9 that it be allowed to correct the reporting errors made by
10 staff -- again, since this was our first time doing it in
11 a biennial report -- and that we can probably have that to
12 Mr. Bissinger or to the Board within the next week or so,
13 a correct biennial report.

14 Lastly, both the City of Madera and
15 Chowchilla have agreed to jointly monitor the County's
16 attention to carrying out the programs of the HHWE
17 reporting and we will ensure through a city council
18 resolution that these erroneous errors and reporting will
19 not occur again so we'll not have to take up the Board's
20 valuable time.

21 In closing we would like to thank the Board
22 for their consideration in allowing the City to correct
23 these errors and also for Mr. Bissinger's assistance in
24 helping us detail these things out.

25 CHAIRMAN EATON: Thank you, Mr. Skinner.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Staff, a response in terms of -- you haven't had a chance
2 to look at the information.

3 MR. BISSINGER: From what I've seen, I just
4 glanced at it. I did see the newspaper articles and there
5 was a sheet that indicated that 12 residents did
6 participate in the countywide collection event.

7 BOARD MEMBER JONES: Mr. Chairman.

8 CHAIRMAN EATON: Mr. Jones.

9 BOARD MEMBER JONES: May I ask Mr. Skinner
10 a question?

11 MR. SKINNER: Yes, sir.

12 BOARD MEMBER JONES: Who does the
13 collection of waste in the City of Coachella?

14 MR. SKINNER: In Chowchilla, sir?

15 BOARD MEMBER JONES: Chowchilla.

16 MR. SKINNER: Until recently, Madera County
17 Environmental Health has a contractor. I believe it's
18 Americlean Environmental Services.

19 BOARD MEMBER JONES: No, I mean the
20 garbage.

21 MR. SKINNER: Oh, the garbage, sir. It's
22 done by Madera Disposal under a private contract with the
23 City.

24 BOARD MEMBER JONES: One of the big reasons
25 that you do household hazardous waste programs is to keep

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 that material out of garbage trucks --

2 MR. SKINNER: Very true.

3 BOARD MEMBER JONES: -- keep them out of
4 landfills, and I think that sometimes -- what can't be
5 lost in this discussion, it's not that there were 12
6 people that showed up at a household hazardous waste
7 event, but if the Madera County or City of Chowchilla
8 isn't informing customers, clients, citizens of the need
9 to manage that material right so it stays out of the
10 garbage truck, which if it doesn't go through a MRF, which
11 I think in Madera does, it could end up in a landfill that
12 ends up polluting a waterway that ends up messing up all
13 your folks.

14 MR. SKINNER: Absolutely correct.

15 BOARD MEMBER JONES: So I think there's a
16 need here to work through these issues more than just, you
17 know, do we have the newspaper articles, did we do this,
18 and did we do that, and if nothing else, to use you as a
19 vehicle to make sure that Madera County understands the
20 environmental -- the reason that these laws were put
21 together were to keep that material out of the landfill
22 and make sure people understood what they had to do with
23 that material. And I don't want to go too long because
24 I'm hoping we can get through most of this agenda today,
25 but this is a very important thing to me.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 When I give speeches on this stuff, I'll
2 tell you the example I use. A resident threw two types of
3 materials, chemicals, into the garbage, and a friend of
4 mine ended up losing all the meat on his leg from his knee
5 down to his ankle because people didn't know how to manage
6 their household hazardous waste.

7 To just say look it was paperwork error I
8 think is probably accurate, but I think we need to take
9 the time to determine whether or not the programs in
10 Madera County and the City of Chowchilla are really
11 adequate to protect you, the citizens, and everybody else.

12 MR. SKINNER: And I whole heartedly agree
13 with you, sir, and I think we at the City of Chowchilla
14 are going to send a very clear, lucent message to the
15 County that we're going to take this on ourselves.

16 As part of the granting of the 1996-'97
17 fiscal year, this City received a large metal building
18 which is going to be installed on a concrete foundation, I
19 believe, within the next two to three months. The City
20 will -- and I guarantee you -- implement the household
21 hazardous waste implementation programs. If we cannot
22 rely on the County, then the City is going to toe the line
23 themselves completely, and we will advertise and get it in
24 our local newspaper and work with Mr. Youngclaus at Madera
25 Disposal to ensure that every resident in Chowchilla, all

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 6,500 of them, are well aware of the dangers and how to
2 dispose of those items correctly.

3 BOARD MEMBER JONES: The compliance orders
4 have taken on a new -- I always viewed a compliance order
5 as a way to work through something, you know, a time
6 certain, bring something back once it's fixed. It is not
7 the scarlett "C" that some characterize it.

8 CHAIRMAN EATON: That would be "S" I think.

9 (Laughter)

10 BOARD MEMBER JONES: You know, I would like
11 to be able to take the time through a compliance order to
12 work through what really makes sense, you know, to make
13 sure that we have a program. Plus I have to stay
14 consistent. I've never been one before. I figure this
15 law has been around long enough. We need to formalize our
16 discussions, but I'll defer to my fellow Board Members to
17 see what they want to do.

18 But I think that the time it would take to
19 work this out is minimal, and then you're off a compliance
20 order as soon as it's put in place. I look at it as a
21 real smart mechanism to finalize things, and I think it
22 also gives you some leverage with Madera County to say the
23 Waste Board put us on a compliance order to work through
24 these things because they don't know that we've got right
25 programs in place. I think it could be a real tool.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 CHAIRMAN EATON: Is that a motion,
2 Mr. Jones?

3 BOARD MEMBER JONES: Actually, it is a
4 motion to adopt Resolution 1999-600, consideration of the
5 recommendation for a compliance order relative to the
6 biennial review findings for the City of Chowchilla.

7 BOARD MEMBER MOULTON-PATTERSON: Second.

8 CHAIRMAN EATON: All right. Mr. Jones
9 moves and Ms. Moulton-Patterson seconds that we adopt
10 Resolution 1999-600.

11 Without objection, substitute the previous
12 roll call. Hearing no objection, so shall be ordered.

13 Thank you, Mr. Schiavo. I guess we'll be
14 seeing you tomorrow and the next day, all day. Wednesday.

15 Members and members of the audience, it's
16 about five after 4:00. What I'm going to recommend, and
17 hopefully you'll agree, that we complete Item Number 13 --
18 Item Number 14 is going to be tomorrow because it involves
19 the Downey area that Senator Roberti had asked to be put
20 over -- and then finish 15, 16 and 17 and call it a day.
21 That should get us out of here in a relatively short time.
22 You know that if we have a time certain, we've learned
23 from past mistakes and Mr. Pennington's admonition that we
24 should never do that because it never works out, and he's
25 absolutely right.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 So let's move to Item Number 13, and then
2 hopefully we'll be able to complete 15, 16 and 17 and
3 break for the day.

4 Ms. Nauman.

5 MS. NAUMAN: Thank you, Mr. Chairman. Once
6 again for the record, Julie Nauman, Deputy Director for
7 the Permitting and Enforcement Division. This item will
8 be presented by Tadese and also indicate that Paul
9 Manasjan from the LEA is here to assist with any
10 questions.

11 MR. GEBREHAWARIAT: Good afternoon. For
12 the record, my name is Tadese Gebrehawariat. I'm with the
13 Permitting and Inspection Branch.

14 Item 13 regards the consideration of a
15 revised Solid Waste Facility Permit for EDCO Recovery and
16 Transfer Station in San Diego County. As I start, I'm
17 also happy to report that with us, as Ms. Nauman
18 mentioned, is Paul Manasjan, Program Manager for the City
19 of San Diego Local Enforcement Agency, and also Mr. Steve
20 South, the Chief Operating Officer for EDCO Disposal
21 Corporation, the owner and operator of this facility.
22 Both are here to address any questions that the Board
23 Members may have.

24 The project allows the following changes:
25 An expansion of the overall permitted area of the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 facility; an increase in the overall area of the material
2 recovery and transfer station building; the proposed
3 permit is also to allow an expansion of the hours of
4 operation at the facility; also an increase in the maximum
5 number of vehicles on a daily basis at the facility; also
6 an increase in the permitted maximum daily tonnage of the
7 site from 200 tons per day to 750 tons per day including
8 this municipal and other putrescible solid wastes; the
9 proposed permit is also to allow acceptance of self-hauled
10 waste for the first time; and also to change the name of
11 the facility from EDCO Transfer Station to EDCO Recovery
12 and Transfer Station.

13 As we presented in the table on page 13-3
14 of the agenda item, at the time this item was prepared,
15 Board staff had determined that most of the requirements
16 for the proposed permit were met. Among others, the
17 requirements for the California Environmental Quality Act
18 or CEQA for the project were complied with. On the basis
19 of a pre-permit inspection by Board staff, the facility
20 was found to be in compliance and consistent with the
21 applicable state standards.

22 However, at the time the item was prepared,
23 staff of the Board's Office of Local Assistance had yet to
24 complete the review and analysis of the project's
25 consistency with the City of San Diego's Land Disposal

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Facility Element or NDFE. Since then, the staff did
2 complete their review and found the proposed project for
3 the EDCO Recovery and Transfer Station is in conformance
4 with the City's amended NDFE.

5 Therefore, on the basis of the presented
6 findings, staff recommend that the Board adopt Solid Waste
7 Facility Permit Decision Number 1999-587, concurring with
8 the issuance of Solid Waste Facility Permit Number
9 37-AA-0105.

10 Thank you. This concludes staff's
11 presentation.

12 CHAIRMAN EATON: Any questions of staff or
13 any of the representatives who are here from the
14 respective entities?

15 BOARD MEMBER PENNINGTON: Mr. Chairman.

16 CHAIRMAN EATON: Mr. Pennington.

17 BOARD MEMBER PENNINGTON: I'll move
18 adoption of Resolution 1999-587 with the appropriate
19 findings to indicate that the Board has found the proposed
20 permit to be consistent with the California Environmental
21 Quality Act, in conformance with the intent of the County
22 Integrated Waste Management Plan, meeting all local and
23 state permit requirements, consistent with state minimum
24 standards, and therefore concur in the proposed permit.

25 BOARD MEMBER JONES: I second.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 CHAIRMAN EATON: All right. Mr. Pennington
2 moves, Mr. Jones seconds that we adopt Resolution 1999-587
3 with all the appropriate findings as set forth in the
4 record.

5 Madam Secretary, since we haven't had a
6 roll call, would you please call the roll.

7 BOARD SECRETARY: Board Members Jones.

8 BOARD MEMBER JONES: Aye.

9 BOARD SECRETARY: Moulton-Patterson.

10 BOARD MEMBER MOULTON-PATTERSON: Aye.

11 BOARD SECRETARY: Pennington.

12 BOARD MEMBER PENNINGTON: Aye.

13 BOARD SECRETARY: Chairman Eaton.

14 CHAIRMAN EATON: Aye.

15 Item Number 15.

16 BOARD MEMBER MOULTON-PATTERSON: Excuse me.

17 CHAIRMAN EATON: I'm sorry.

18 Ms. Moulton-Patterson.

19 BOARD MEMBER MOULTON-PATTERSON: Mr. Chair,
20 I just wanted to mention we had had several questions come
21 up in our briefings and our meetings about noticing, and I
22 think staff had suggested that we schedule a formal Board
23 discussion sometime at a future Board meeting about
24 environmental review and permit noticing, and that would
25 be very helpful to me, and I believe Senator Roberti, and

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 I just wanted to put that on the record, that I would like
2 to see that happen at some point.

3 CHAIRMAN EATON: Okay.

4 MS. TOBIAS: Mr. Chair, can I comment on
5 that? I think if the Board wants to do an agenda item on
6 that, that would be fine. This question did come up.
7 Legal office was asked by staff what about this noticing
8 issue, and I do think that without any change in statutes
9 or regs, that we could basically give the LEAs some
10 information on how to better get the public involved,
11 particularly on sensitive projects, early on in the
12 process.

13 But I think what's really important is that
14 it really needs to be early on in the CEQA process, not so
15 much in the permit process. It's important to be involved
16 in the permit process, but that's really not where a lot
17 of the project is really scoped. And so one of the things
18 that we suggested doing was basically send out a letter to
19 the LEAs basically talking about how they might get the
20 public involved at the early part of the process, even if
21 it's a Negative Declaration, and even more importantly
22 when it's a Negative Declaration since that doesn't have
23 the normal notice of preparation.

24 So if the Board wants to hear an agenda
25 item, that would be great, but I think the other way we

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 could do this is to basically start with that and see
2 where it goes from there. It's just a suggestion.

3 BOARD MEMBER MOULTON-PATTERSON: I think
4 it's a fine suggestion, and I think the objective, at
5 least from me, and I believe other Board Members, is just
6 to know that people were let know of their ability to
7 participate in the project at an early date. So that
8 would be fine with me.

9 BOARD MEMBER JONES: Mr. Chairman.

10 CHAIRMAN EATON: Go ahead, Mr. Jones.

11 BOARD MEMBER JONES: Mr. Chairman, I like
12 the idea by my fellow Board Member to have an item because
13 I think it's important to have an item so we understand
14 the role of the local planning commission, the LEA, how an
15 LEA Prepares an item, sets it in motion locally, does -- I
16 think that we need to have that discussion so people
17 understand that in fact these are local issues that need
18 to be done locally; and that if there are shortcomings,
19 you know, if there are shortcomings, then that's fine.
20 Let us know that in an agenda item.

21 But I certainly think that we -- I don't
22 want -- I personally don't want to see a letter from us to
23 the LEAs explaining how to get the public involved because
24 having permitted quite a few facilities, I will tell you
25 that the public -- I haven't come across one yet that the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 public hasn't been informed of, and if they're not doing
2 their job in preparing the item and we end up saying as a
3 matter of fact, one of the reasons that we don't have to
4 concur with a permit is that a local agency did not do
5 CEQA; right? And we take over.

6 So I think that discussion makes sense so
7 we understand the role of Mr. Manasjan and the role of the
8 operator and the role of the planning department in all of
9 those meetings, because I think that it would really be
10 information -- I think it would have a great deal of
11 benefit for this Board and the audience to see the 27
12 meetings that occurred before this item ever got to this
13 Board or the reams of discussion items. So I definitely
14 would like to see that item Broad forward and give
15 everybody an understanding because if some of them need a
16 little kick in the pants, then we're capable of kicking
17 them in the pants. I don't have a problem with that
18 because the public does have a right to know.

19 As the industry seat, you can be sure that
20 when somebody in my industry does not want to let public
21 know, then I'll be the one that makes the motion not to
22 concur because that is not the way the game is played.

23 CHAIRMAN EATON: All right.

24 Ms. Moulton-Patterson, I just had a brief
25 conversation. Why don't we say February, I think is what

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 you thought would be a good time to bring back an agenda
2 item with regard to not only noticing requirements, but
3 perhaps a larger discussion on CEQA and some of the other
4 interplay that we would have both from an informational
5 purpose, not only as a Board, but also any kind of actions
6 that you may have come up against and some of the other
7 issues with CEQA, and set it for the February Board
8 meeting, which I believe the schedule is now out
9 Ms. Covington.

10 MS. COVINGTON-WEBB: Yes, it is.

11 CHAIRMAN EATON: So you can do that, and
12 that will push us past the holidays and some of the other
13 stuff that will be hanging around in January. If that
14 meets with the Board's direction, so shall be the
15 direction.

16 We did complete Permit 1999-587, I believe,
17 so the next issue is Item Number 15, Z-Best Compost
18 Facility in Santa Clara.

19 MS. NAUMAN: Thank you. Julie Nauman,
20 Mr. Chairman and Members. This is consideration of a new
21 Solid Waste Facility Permit for Z-Best Compost Facility in
22 Santa Clara. Jon Whitehill of Permitting and Enforcement
23 staff will be making the presentation.

24 CHAIRMAN EATON: Before we begin, if
25 there's any other issues that Board Members want to put

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 into that category of noticing requirements as they come
2 through, Ms. Nauman, at some point if you would kind of --

3 MS. NAUMAN: Mr. Chairman, I was going
4 to --

5 CHAIRMAN EATON: Meet with the Board
6 Members or whatever and kind of get some ideas.

7 MS. NAUMAN: I was going to suggest --

8 CHAIRMAN EATON: That would be helpful to
9 us so we get what we're looking for.

10 MS. NAUMAN: We've been planning for
11 sometime to bring you another item on hold in the process
12 including Board staff's involvement with the LEAs.

13 CHAIRMAN EATON: Thank you.

14 MR. WHITEHILL: Good afternoon. My name is
15 Jon Whitehill with the Board's Permitting and Inspection
16 Branch.

17 This item is for consideration of a new
18 Solid Waste Facility Permit for the Z-Best Compost
19 Facility. This site is located in an unincorporated area
20 of southern Santa Clara County near the junction of
21 Highway 25 and Highway 101 on agricultural lands five
22 miles southeast of the City of Gilroy.

23 The Board concurred in issuance of the
24 Standardized Green Material Compost Permit on August 27th,
25 1997. The operator is proposing the following changes in

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 design and operation which require the site to obtain a
2 full Solid Waste Facility Permit.

3 The 1997 standardized permit allows the
4 facility to accept green material. The proposed full
5 permit would also allow post-consumer food waste,
6 dewatered "grease flakes", wall board for use as an
7 additive, and inert construction and demolition wastes for
8 use as compost pad construction material. A new building
9 will be used for food waste and drywall processing.

10 The 1997 standardized permit allows the use
11 of elongated windrows for composting. The proposed full
12 permit will allow compressed windrows and in-vessel
13 forced-air bags. In addition to compost operations, the
14 facility will produce mulch and provide top soil blending.

15 The permitted volume is 500,000 cubic yards
16 of material on-site at any one time and this will not
17 change. However, the permitted daily tonnage will
18 increase from 500 tons per day with occasional peak loads
19 of 2,500 tons per day.

20 In summary, LEA and Board staff have made
21 the following findings: The facility is identified in the
22 Non-disposal Facility Element of the approved Integrated
23 Waste Management Plan. However, the description of the
24 daily tonnage does not match the daily tonnage described
25 in the proposed permit. Also, the State and LEA joint

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 inspection documented one violation of state minimum
2 standards, and that record keeping violation has since
3 been corrected.

4 Also, we have received two letters from
5 concerned individuals stating that they don't believe that
6 the forced-air bag meets the Board's pathogen reduction
7 standards. However, we believe that the LEA has addressed
8 these concerns through their authority to approve
9 alternate pathogen reduction methods.

10 Also, the LEA and Board staff have
11 determined that the report of compost site information is
12 complete. LEA and Board staff have determined that the
13 proposed permit is consistent with and supported by the
14 1997 and 1999 mitigated Negative Declarations, and the
15 permit is consistent with the standards adopted by the
16 Board.

17 In conclusion, staff has reviewed the
18 proposed permit and supporting documentation and found
19 them to be acceptable. Staff recommend that the Board
20 adopt Resolution Number 99-589, concurring in issuance of
21 Solid Waste Facility Permit Number 43-AA-0015.

22 Chris Rummel representing the LEA is
23 sitting to my left, and also the operator is here.

24 CHAIRMAN EATON: Any questions of staff,
25 the operator or the LEA?

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER JONES: Mr. Chairman.

2 CHAIRMAN EATON: Mr. Jones.

3 BOARD MEMBER JONES: I would like to move
4 adoption of Resolution 1999-589, consideration of a new
5 Solid Waste Facility Permit for the Z-Best Compost
6 Facility in Santa Clara, with the appropriate findings to
7 indicate that the Board has found the proposed permit to
8 be consistent with the California Environmental Quality
9 Act, in conformance with the attempt of the County
10 Integrated Waste Management Plan, and meeting all local
11 and state permit requirements, and consistent with state
12 minimum standards, and therefore concurs in the proposed
13 permit.

14 BOARD MEMBER PENNINGTON: Second.

15 CHAIRMAN EATON: All right. Mr. Jones
16 moves and Mr. Pennington seconds that we adopt Resolution
17 1999-589 with all the requisite findings.

18 Madam Secretary, please call the roll.

19 BOARD SECRETARY: Board Members Jones.

20 BOARD MEMBER JONES: Aye.

21 BOARD SECRETARY: Moulton-Patterson.

22 BOARD MEMBER MOULTON-PATTERSON: Aye.

23 BOARD SECRETARY: Pennington.

24 BOARD MEMBER PENNINGTON: Aye.

25 BOARD SECRETARY: Chairman Eaton.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 CHAIRMAN EATON: Aye.

2 Okay. Item Number 16. Ms. Nauman.

3 MS. NAUMAN: Mr. Chairman, this item is
4 consideration of allocation of fiscal year 1999-2000 Solid
5 Waste Disposal and Codisposal Site Cleanup Program Funds.
6 This program has been referred to as the AB 2136 program.
7 This is the annual allocation.

8 CHAIRMAN EATON: But because it involves
9 money, it can't go on the consent calendar.

10 MS. ROUGE: Good afternoon, Chairman Eaton
11 and Board Members. My name is Marge Rouge from the
12 Permitting and Enforcement Division.

13 Item 16 is the request for allocation of
14 this fiscal year's AB 2136 Solid Waste Cleanup Program
15 funds. As you know, the budget allocates \$5 million to
16 this program. After the \$300,000 is set aside for
17 administration of the program, there is \$4.7 million left
18 to allocate.

19 Staff requests that construction contracts
20 IWM-C8031 A and B each be augmented with \$1,730,000, and
21 additionally staff requests that the engineering services
22 contract be augmented with \$1,240,000. These three
23 augmentations total \$4.7 million. With these
24 augmentations, the programs can continue to clean up
25 illegal disposal sites and remediate environmental

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 problems at old dump sites.

2 Staff recommends approval of Resolution
3 1999-592. If there are any questions, I'd be happy to
4 answer them.

5 CHAIRMAN EATON: Any questions of staff?

6 BOARD MEMBER PENNINGTON: Mr. Chairman.

7 CHAIRMAN EATON: Mr. Pennington.

8 BOARD MEMBER PENNINGTON: I will move
9 adoption of Resolution 1999-592.

10 BOARD MEMBER JONES: I'll second.

11 CHAIRMAN EATON: Mr. Pennington moves and
12 Mr. Jones seconds that we adopt Resolution 1999-592
13 relating to the allocation of fiscal year 1999-2000 AB
14 2136 Cleanup Programs.

15 Madam secretary, please call the roll.

16 BOARD SECRETARY: Board Members Jones.

17 BOARD MEMBER JONES: Aye.

18 BOARD SECRETARY: Moulton-Patterson.

19 BOARD MEMBER MOULTON-PATTERSON: Aye.

20 BOARD SECRETARY: Pennington.

21 BOARD MEMBER PENNINGTON: Aye.

22 BOARD SECRETARY: Chairman Eaton.

23 CHAIRMAN EATON: Aye.

24 BOARD MEMBER JONES: Mr. Chairman.

25 CHAIRMAN EATON: Marge, you must think I'm

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 really in a jovial mood.

2 (Laughter)

3 MS. ROUGE: Yes.

4 (Laughter)

5 BOARD MEMBER JONES: Mr. Chairman.

6 CHAIRMAN EATON: Mr. Jones.

7 BOARD MEMBER JONES: Just real briefly.

8 I relayed this to Marge at our briefing, at
9 my briefing last week, but when you and I were down in San
10 Luis Obispo and went to the Cold Canyon Landfill,
11 Mr. Gwinn from Gwinn Construction went out of his way to
12 identify Todd Thalhamer and Wes Mindermann as doing their
13 utmost to save this Board money and do a hell of a job,
14 also made a comment about how he enjoyed working with
15 Marge and that whole staff. And I figured I might as well
16 share that with all of you since I brutalize them from
17 time to time. I figure I'll give them the comments when
18 it's deserved and needed, and I think you guys are doing a
19 good job and I wanted you to hear it before a full Board.

20 CHAIRMAN EATON: Thank you, Mr. Jones, and
21 we'll just include that as part of your Member report.

22 Last item of the day for today will be Item
23 Number 17, consideration of new sites for the Farm and
24 Ranch Solid Waste Cleanup and Abatement Program.

25 MS. TURNER: Good afternoon. My name is

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Georgianne Turner of the Remediation, Closure and
2 Technical Assistance Branch.

3 We have received one application for the
4 second quarter of the fiscal year 1999 year 2000, the Farm
5 and Ranch Grant Program. This grant would be requesting
6 \$10,000 with the County contributing an additional \$6,000
7 to clean up putrescible waste at a site that has been a
8 problem for the County for quite a while. It would also
9 secure that site and provide signs to discourage dumping
10 in the future.

11 So with that in mind and the fact that the
12 application meets all the eligibility requirements, I
13 would like to recommend the Board adopt Resolution
14 1999-593, authorizing the award of up to \$10,000 for the
15 Farm and Ranch Solid Waste Cleanup Program to Mendocino
16 County.

17 BOARD MEMBER PENNINGTON: Mr. Chairman.

18 CHAIRMAN EATON: Mr. Pennington.

19 BOARD MEMBER PENNINGTON: I'll move
20 adoption of Resolution 1999-593 to award \$10,000 to
21 Mendocino County for the cleanup and abatement of a site
22 under the Farm and Ranch Solid Waste Cleanup and Abatement
23 Program.

24 BOARD MEMBER MOULTON-PATTERSON: Second.

25 CHAIRMAN EATON: All right. Mr. Pennington

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 moves and Ms. Moulton-Patterson seconds that we adopt
2 Resolution 1999-593 regarding the allocation --
3 consideration of new sites for the Farm and Ranch Solid
4 Waste Cleanup and Abatement Program.

5 Madam Secretary, please call the roll.

6 BOARD SECRETARY: Board Members Jones.

7 BOARD MEMBER JONES: Aye.

8 BOARD SECRETARY: Moulton-Patterson.

9 BOARD MEMBER MOULTON-PATTERSON: Aye.

10 BOARD SECRETARY: Pennington.

11 BOARD MEMBER PENNINGTON: Aye.

12 BOARD SECRETARY: Chairman Eaton.

13 CHAIRMAN EATON: Aye.

14 I don't have any slips from the public for
15 the public comment period. So with that, we will stand
16 adjourned until 9:30 in the morning.

17 Members, although it looks like a small
18 number of items for tomorrow, there are a couple of large
19 items that we know may invoke some controversy. So if you
20 can be here promptly at 9:30 and we can get started, it
21 would be greatly appreciated.

22 I also remind you that we will have a
23 closed session tomorrow, hopefully before we break for
24 lunch, to go over at least one item and possibly another
25 item on Wednesday.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 So with that, we stand adjourned.

2 BOARD MEMBER PENNINGTON: Mr. Chairman.

3 CHAIRMAN EATON: Mr. Pennington.

4 BOARD MEMBER PENNINGTON: I would like to
5 ask you what your count of Qtips was. I have a pile here
6 that I'm supposed to count.

7 CHAIRMAN EATON: I used them, so I have a
8 false count. My guess is oh, probably 17.

9 (Laughter)

10 CHAIRMAN EATON: All right. We stand
11 adjourned until 9:30 tomorrow morning.

12 Thank you.

13 * * *

14

15

16

17

18

19

20

21

22

23

24

25

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 STATE OF CALIFORNIA

2

3

4 I, Terri L. Emery, CSR 11598, a Certified
5 Shorthand Reporter in and for the State of California, do
6 hereby certify:

7 That the foregoing proceedings were taken
8 down by me in shorthand at the time and place named
9 therein and was thereafter transcribed under my
10 supervision; that this transcript contains a full, true
11 and correct record of the proceedings which took place at
12 the time and place set forth in the caption hereto.

13

14

15 I further certify that I have no interest
16 in the event of the action.

17

18

19 EXECUTED this 12th day of December, 1999.

20

21

22

23

24

25

Terri L. Emery

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

Please note: These transcripts are not individually reviewed and approved for accuracy.